

Panaji, 21st August, 2014 (Sravana 30, 1936)

SERIES I No. 21

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 20 dated 14-8-2014, namely Extraordinary dated 20-8-2014 from pages 733 to 742 regarding The Goa (Abolition of Proprietorships, Titles and Grants of Lands) Act, 2014 — Not. No. 7/5/2014-LA from Department of Law & Judiciary (Legal Affairs Division).

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GOVERNMENT OF GOA**Department of Co-operation**

Office of the Registrar of Co-operative Societies

Order

6-58-2014/EST/RCS/1678

Sanction of the Government is conveyed for creation of one post of Light Vehicle Driver in the PB-1 Rs. 5200-20200+Rs. 1900/- (G.P.) in the establishment of the office of Registrar of Co-operative Societies, Government of Goa, Panaji with immediate effect on regular basis.

The expenditure on the salaries and allowances are to be debited under the Budget Head "2425—Co-operation; 00—; 001—Direction and Administration; 01—Direction (Non-Plan); 01—Salaries".

This has been approved by the Administrative Reforms Department vide U. O. No. 253/F dated 13-2-2014 and is also issued with the concurrence of Finance Department vide U. O. No. 1492867/F dated 28-2-2014.

By order and in the name of the Governor of Goa.

J. B. Bhingui, Registrar & ex officio Joint Secretary (Co-op.).

Panaji, 13th August, 2014.

Goa Legislature Secretariat

LA/LEGN/2014/1177

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Transfer and Posting of
Officers Bill, 2014

(Bill No. 21 of 2014)

A

BILL

to provide for the constitution of the Goa Services Board and for the matters connected therewith.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Transfer and Posting of Officers Act, 2014.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Board” means the Goa Services Board constituted under section 3 of this Act;

(b) “Chairperson” means the Chairperson of the Board;

(c) “Competent Authority” means the Chief Minister of the State of Goa;

(d) “Government” means the Government of Goa;

(e) “member” means a member of the Board;

(f) “Official Gazette” means the Official Gazette of the Government.

3. *Constitution of Board.*— (1) The Government shall, by notification in the Official Gazette, constitute a Goa Services Board.

(2) The Board shall consist of,—

(a) the Minister incharge of the Department of Personnel, who shall be the Chairperson thereof;

(b) Chief Secretary;

(c) an officer not below the rank of Secretary to the Government to be nominated by the Government.

4. *Functions of the Board.*— (1) The Board shall,—

(a) consider and recommend the transfer and posting of officers of Goa Civil Service, Goa Police Service and officers in the cadre of Mamlatdars/Joint Mamlatdars/Assistant Directors of Civil Supplies and Block Development Officers, at regular intervals;

(b) consider and recommend the posting of such officers in ex-cadre posts, their transfer from one Department to another, or their transfer in the service of the Government;

(c) do such other things and perform such acts as necessary or expedient for the proper conduct of its functions, and carrying into effect the purposes of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force or any rules made under the proviso to Article 309 of the Constitution of India, the Government may, on its own motion and for reasons to be recorded in writing, order transfer of such officer, from one post or

Department to another and even outside the Cadre; wherever administrative exigencies so require the same:

Provided that, those officers who have service not exceeding one year remaining before superannuation, shall normally not be transferred.

5. *Competent Authority.*— The recommendations of the Board shall be placed before the Competent Authority and the decision of the Competent Authority in this regard, shall be final and binding.

6. *Tenure of posting.*— (1) The minimum tenure of posting of officers in one post shall ordinarily be two years.

(2) The tenure of officers posted on deputation to ex-cadre posts shall be maximum of three years, but which may be extended for a further period of one year, in public interest:

Provided that the officers may be transferred or deputation period may be curtailed, as the case may be, before completion of tenure, in public interest, by recording the reasons in writing.

7. *The Meetings of the Board.*— (1) The Board shall meet at regular intervals, at such times and places or through circulation, as determined by the Chairperson.

(2) The Chief Secretary shall convene meetings as directed by the Chairperson of the Board.

8. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Statement of Objects and Reasons

The Bill seeks to establish Goa Services Board for the purpose of considering and recommending the transfer and posting of

officers of the Government and for matters connected therewith.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 8 of the Bill empowers the Government to frame rules to carry out the purposes of the Act.

This delegation is of normal character.

Porvorim-Goa.
14th August, 2014.

MANOHAR PARRIKAR
Chief Minister

Assembly Hall.
Porvorim-Goa.
14th August, 2014.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2014/1178

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Code of Criminal Procedure (Goa Amendment) Bill, 2014

(Bill No. 22 of 2014)

A

BILL

further to amend the Code of Criminal Procedure, 1973 (2 of 1974), in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Code of Criminal Procedure (Goa Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 156.*— In section 156 of the Code of Criminal Procedure, 1973 (2 of 1974) in sub-section (3), the following proviso shall be inserted, namely:—

“Provided that before passing any orders, the Magistrate shall issue notice to and hear the Public Prosecutor/Government Counsel/Pleader and the Superintendent of Police in the matter.”.

Statement of Objects and Reasons

The Bill seeks to amend section 156 of the Code of Criminal Procedure, 1973 (2 of 1974), in its application to the State of Goa, by inserting proviso in sub-section (3) of section 156 thereof, so as to provide that the Magistrate shall issue notice to and hear the Public Prosecutor/Government Counsel/Pleader and the Superintendent of Police in the matter before passing any orders.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa. MANOHAR PARRIKAR
18th August, 2014. Chief Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
18th August, 2014. Assembly of Goa.

ANNEXURE

Extract of Section 156, Code of Criminal Procedure, 1973 (2 of 1974)

156. Police officer's power to investigate cognizable case.— (1) Any officer-in-charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such investigation as above-mentioned.

Assembly Hall, N. B. SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
18th August, 2014. Assembly of Goa.

LA/LEGN/2014/1179

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Court-Fees (Goa Amendment) Bill, 2014

(Bill No. 23 of 2014)

A

BILL

further to amend the Court-Fees Act, 1870 (7 of 1870), as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Court-Fees (Goa Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of Schedule IIA.*— In Schedule IIA of the Court-Fees Act, 1870 (7 of 1870), as in force in the State of Goa, after item 17, the following item shall be inserted, namely:—

"18. Appeal to High Court under section 260A of the Income-Tax Act, 1961 (Central Act 43 of 1961) ... Ten thousand rupees."

Statement of Objects and Reasons

The Bill seeks to amend the Court Fees Act, 1870 (7 of 1870), in its application to the State of Goa, by inserting new item 18 in Schedule II A appended to the said Act, so as to levy the fees for filing an appeal under section 260A of the Income Tax Act, 1961 (Central Act 43 of 1961).

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill, however, it would generate additional revenue.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa.
15th August, 2014.

MANOHAR PARRIKAR
Chief Minister/Minister
for Law

Assembly Hall,
Porvorim, Goa.
15th August, 2014.

N. B. SUBHEDAR
Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Om Prakash Kohli, Governor of Goa, hereby recommend the introduction and consideration of the Court Fees (Goa Amendment) Bill, 2014 by the Legislative Assembly of Goa.

ANNEXURE

Schedule appended to the Court-Fees (Goa Amendment) Bill, 2014

SCHEDULE II A

FIXED FEES

Number		Proper fee
1	2	3
1. Application or petition.	(a) when presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	Two rupees
	or when presented to any officer of land revenue by any person holding	Two rupees

1	2	3
	temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;	
	or when presented to any Municipal Council under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	Two rupees
	or when presented to any Civil Court other than a principal Civil Court or original jurisdiction or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	Two rupees
	or when presented to any Civil, Criminal or Revenue Court or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or Officer or of any other document on record in such Court or office.	Two rupees
(b)	when containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code arrest without warrant and presented to any Criminal Court;	Two rupees
	or when presented to a Civil, Criminal or Revenue Court or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;	Two rupees
	or to deposit in Court revenue or rent;	Two rupees
	or for determination by a Court of the amount of compensation to be paid by landlord to his tenant.	Two rupees

1	2	3
	(c) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided by this Act.	Five rupees
	(d) when presented to any competent authority for the purpose of obtaining a certificate of domicile.	Two rupees
	(e) when presented to the High Court.—	One hundred and fifty rupees
	(i) for direction, orders or writs under Article 226 for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for the exercise of its jurisdiction under Article 227 thereof.	
	(ii) in any other case not otherwise provided for by this Act.	Twenty rupees
2. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Five rupees in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of Article 1 of this Schedule.
3. Application for leave to sue as a pauper.	—do—	One rupee
4. Application for leave to appeal as a pauper.	(a) when presented to a District Court.	Five rupees
	(b) when presented to a Commissioner or a High Court.	Five rupees
5. Revision application when presented to the High Court under section 115 of the Code of Civil Procedure, 1908 (5 of 1908).		Ten rupees
6. Complaint or memorandum of appeal in a suit to obtain possession under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (Act 9 of 1966).		Two rupees

1	2	3
7. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		Two rupees
8. Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973 (2 of 1974) or the Code of Civil Procedure, 1908 (5 of 1908), and not otherwise provided for by this Act.		Three rupees
9. Undertaking under section 49 of the Indian Divorce Act, 1869 (4 of 1869) or under any corresponding other law for time being in force.		Five rupees
10. Mukhtarnama or Wakalatnama.	when presented for the conduct of anyone case—	
	(a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this number.	Three rupees
	(b) to a Commissioner or Revenue, Circuit or Customs, or to any Officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority.	Four rupees
	(c) to a High Court, Chief Commissioner, Board of Revenue or other Chief Controlling Revenue or Executive Authority.	Five rupees
11. Memorandum of appeal when the appeal is not from a decree or an order having a force of decree, and is presented—	(a) to any Civil Court other than a High Court, or to any Revenue Court, or Executive Officer other than the High Court or	Five rupees

1	2	3
	Chief Controlling Revenue or Executive Authority.	
	(b) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority.	Ten rupees
12. Caveat	(1) when the amount or value of the property involved does not exceed two thousand rupees.	Ten rupees
	(2) When the amount or value of property involved exceeds two thousand rupees.	Twenty-five rupees
13. Application for permission to cut timber in Government forest or otherwise relating to such forest		Two rupees
14. Memorandum of appeal presented to—	(1) State Government where no fees has been prescribed under any relevant law.	Five rupees
	(2) any forest officer where such appeal is provided for, by or under the Indian Forest Act, 1927 (16 of 1927) or any corresponding law in force, where no specific fee is specified.	Two rupees
15. Plaint or memorandum of appeal in each of the following suits:—		
	(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court;	Twenty five rupees
	(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates;	-do-

1	2	3
(iii) to obtain a declaratory decree where no consequential relief is prayed;		Twenty-five rupees
(iv) to set aside an award;		-do-
(v) to set aside an adoption;		-do-
(vi) Every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.		-do-
16. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).		Twenty-five rupees
17. Every petition under the Indian Divorce Act, 1869 (4 of 1869), except petitions under section 144 of the same Act, and every memorandum of appeal under section 55 of the same Act.		Fifty rupees

Assembly Hall,
Porvorim-Goa,
15th August, 2014.

N. B. SUBHEDAR,
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2014/1180

A

BILL

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

further to amend the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No. 10 of 1987).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

**The Goa Public Moneys (Recovery of Dues)
(Amendment) Bill, 2014**

(Bill No. 17 of 2014)

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Moneys (Recovery of Dues) (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of long title.*— In the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No. 10 of 1987) (hereinafter referred to as the “principal Act”), in the long title, the expression

“, Daman and Diu” shall be omitted.

3. *Amendment of section 1.*— In the principal Act,—

(i) in sub-section (1) of section 1 and in any other sections, the expression

“, Daman and Diu” shall be omitted;

(ii) in sub-section (2), for the expression “Union territory of Goa, Daman and Diu”, the expression “State of Goa” shall be substituted.

4. *Amendment of section 2.*— In section 2 of the principal Act, in clause (c), for the words “Union territory”, the word “State” shall be substituted.

5. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

“(e) to any agreement or contract of guarantee/surety pertaining to the loan or advance or financial assistance referred in this sub-section”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5).— No borrower/defaulters/guarantor/surety shall, after receipt of a notice for recovery of sum due from the Collector, transfer by way of sale, lease or otherwise any of his/its secured/unsecured assets without written consent/order of the Collector.”

6. *Insertion of new section, 5A.*— After section 5 of the principal Act, the following new section shall be inserted, namely:—

“5A. *Provisions of section 3 to apply for all past dues.*— On and from the date of commencement of the Goa Public Moneys (Recovery of Dues) (Amendment) Act, 2014, the sum due pertaining to any agreement/contract, referred in sub-section (1) of section 3 of this Act, executed before such commencement, also may be recovered as per the procedure laid down in section 3 of this Act, on such commencement.”

Statement of Objects and Reasons

The Bill seeks to amend the long title, and section 1 and 2 of the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No. 10 of 1987) (hereinafter referred to as the “said Act”), so as to remove the expression “, Daman and Diu” from said Act.

The Bill further seeks to amend section 3 of the said Act, so as to enable the Government to expedite recovery of dues by filing recovery proceedings against both, the borrower and guarantor/surety. This will facilitate the expeditious recoveries of sum due.

The Bill also seeks to insert a new sub-section (5) to section 3 of the said Act, so as to prohibit the borrower/defaulters/guarantor/surety from transferring by way of sale, lease or otherwise any of his/its secured/unsecured assets without written consent/order of the Collector, once he receives a notice for recovery of sum due from the Collector under the said Act.

The Bill seeks to insert a new section 5A in the said Act, so as to make provision for recovery of the outstanding dues in terms of section 3 of the said Act, as proposed to be amended.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa. ADV. FRANCIS D'SOUZA
13th August, 2014. Minister for Revenue

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
13th August, 2014. Legislative Assembly of Goa.

ANNEXURE

**Extract of sections 1, 2 & 3 of the Goa, Daman
and Diu Public Moneys (Recovery of Dues)
Act, 1986
(Act No. 10 of 1987)**

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Agriculture" includes horticulture, raising of crops, grass or garden produce, animal husbandry, dairy farming, poultry farming and breeding of livestock;

(b) "Bank" means—

(i) a banking company as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

(iv) a corresponding new bank constituted, under the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970;

(v) any banking Institution notified by the Central Government under section 51 of the Banking Regulations Act, 1949;

(vi) any other financial institution notified by the State Government by a notification in the Official Gazette as a bank for the purposes of this Act.

1[(bb) 'Collector' means the Collector of a district and includes any other officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Collector under this Act;].

(c) "Corporation" means the Financial Corporation established or functioning in this Union territory and includes any other Corporation owned or controlled by the Central or the State Government specified by the State Government by a notification in the Official Gazette.

(d) "Financial Assistance" means any kind of financial assistance given:—

(i) for establishing, expanding, modernising, renovating or running any industrial undertaking; or

(ii) for the purpose of vocational training; or

(iii) for the development of agriculture or agro industry; or

(iv) for the purpose of any kind of planned development recognised by the State Government; or

(v) for relief against distress caused by fire, or serious drought, flood or other natural calamities; or

(vi) for the purpose of carrying out any Government sponsored scheme; or

(vii) for any other prescribed purpose.

(e) "Government Company" means a Government Company as defined under section 617 of the Companies Act, 1956.

(f) "Industrial concern" shall have the same meaning as is assigned to that expression in the State Financial Corporation Act, 1951.

(g) "Industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods or the generation

or distribution of electricity or any other form of energy, or for the development of any contiguous area of land as an industrial estate.

Explanation:— The expression “processing of goods” includes any act or process for producing, repairing or making an article by subjecting any material to a manual, chemical, electrical or any other like operation;

(i) “prescribed” means prescribed by rules made under this Act.

(ii) “Government sponsored scheme” means a scheme sponsored or adopted by the State Government or an Officer authorised by it in this behalf for development of agriculture or industry and notified as such by the Government or the authorised officer, by a notification in the Official Gazette for the purpose of this Act.

(h) “State Government” means the Government of Goa, Daman and Diu.

3. Recovery of dues as arrears of land revenue.—

(1) Where any person is a party—

(a) to any agreement relating to a loan, advance or grant given to him or relating to credit in respect of, or relating to hire purchase of goods sold to him by the State Government, the Corporation or as the case may be, the Government Company by way of financial assistance; or

(b) to any agreement relating to a loan, advance or grant given to him relating to credit in respect of, or relating to hire purchase of goods sold to him by a Bank or Government Company, as the case may be under Government sponsored scheme; or

(c) to any agreement relating to a guarantee given by the State Government or the Corporation in respect of a loan raised by an industrial concern; or

(d) to any agreement providing that any money payable thereunder to the State Government or the Corporation shall be recoverable as arrears of land revenue ²[under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)]; and such person—

(i) makes any default in payment of the loan or advance of any instalment thereof; or

(ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or portion or any instalment thereof, or

(iii) otherwise fails to comply with the terms of the agreement—

then, in the case of the State Government such Officer as may be authorised in that behalf by the State Government by notification in the Official Gazette, in the case of a Corporation or a Government Company, the Managing Director thereof or where there is no Managing Director, the Chairman thereof, by whatever name called, and in the case of a Bank, the local agent thereof by whatever name called, may send to the Collector a certificate as early as possible in the prescribed form mentioning the sum due from such person and requesting that such sum may be recovered as if it were an arrear of land revenue ³[under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)].

(2) The Collector on receiving the certificate shall after making such enquiries (including giving hearing to the party affected) as he deems fit proceed to recover the amount stated therein as aforesaid as arrears of land revenue ⁴ [under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)].

(3) On recovery of any amount under sub-section (2), the same shall be paid over to the State Government, Corporation, Government Company or as the case may be, bank after deducting, except in the case of amount to be paid to the State Government; such portion of the amount realised, as cost of collection, as the Collector, may deem to be reasonable.

(4) No suit for the recovery of any such due as aforesaid shall lie in a Civil Court against any person referred to in sub-section (1) and no injunction shall be granted by a Civil Court in respect of any action taken or intended to be taken in pursuance of the right conferred by this section.

Assembly Hall,
Porvorim, Goa.

N. B. SUBHEDAR
Secretary to the
13th August, 2014. Legislative Assembly of Goa.

LA/LEGN/2014/1181

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 2014

(Bill No. 18 of 2014)

A

BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Insertion of new sections 37A and 37B.*— After section 37 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), the following sections shall be inserted, namely:—

“37A. *Time limit for applications and disposal.*— (1) No Mamlatdar shall entertain any application under section 8A and/or 16 of this Act unless it is filed within a period of one year from the date of commencement of the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014.

(2) Every application filed under sub-section (1) shall be disposed off by the Mamlatdar within a period of one year from the date of receipt thereof.

37B. *Disposal of proceedings.*— (1) All applications filed under sections 8A and 16 and/or proceedings pending under section 29 of this Act, before the commencement of the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014, shall be disposed off by the Mamlatdar within a period of one year from such commencement.

(2) No adjournments shall be granted by the Mamlatdar in any matter pending before him except on medical grounds or for reasons to be specified in writing. Once adjournment is refused, the Mamlatdar shall proceed to dispose the matter before him on merits.”.

Statement of Objects and Reasons

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975, (Act 1 of 1976) (hereinafter referred to as the “said Act”) is beneficial legislation which was enacted for protection of mundkars in the year 1975. Over a period of almost four decades, various mundkars have been protected from being evicted from their dwelling houses. The Mamlatdars and Joint Mamlatdars are disposing the matters pertaining to mundkars and as of now there are around 2800 cases pending for disposal with the office of Mamlatdars, in the entire State of Goa.

The Bill seeks to introduce Sunset clause to Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975, and hence a new section 37A is proposed to be introduced to make a provision that all applications under section 8A and/or section 16 will have to be filed within a period of one year from the date of commencement of Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014. Further, it is provided that all such applications filed shall be disposed off within a period of one year from the date of receipt of such application.

The Bill also seeks to make a provision to provide for disposal of pending proceedings,

vide inserting section 37B. Under the said section it is sought to provide that all the applications filed under section 8A and 16 and proceedings under section 29 shall be disposed off by the Mamlatdar within a period of one year from the commencement of this Amendment Act. Further, it is sought to provide that no adjournment shall be granted by the Mamlatdar in any matter pending before him except on medical grounds and for reason to be specified in writing.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Financial Memorandum

No financial implications are involved in this Bill.

Porvorim, Goa. SHRI FRANCIS D'SOUZA
13th August, 2014. Minister for Revenue

Assembly Hall, SHRI NILKANT SUBHEDAR
Porvorim, Goa. Secretary to the
13th August, 2014. Legislative Assembly of Goa.

LA/LEGN/2014/1182

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Agricultural Tenancy (Amendment) Bill, 2014

(Bill No. 20 of 2014)

A

BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the “principal Act”),—

(i) clause (1) shall be omitted;

(ii) after clause (5), the following clause shall be inserted, namely:—

“(5A) “Court of Senior Civil Judge” includes the Court of Junior Civil Judge;”;

(iii) for clause (15), the following clause shall be substituted, namely:—

“(15) “Mamlatdar” means any person appointed by the Government to perform the duties of a Mamlatdar under this Act and includes a Joint Mamlatdar;”;

(iv) in clause (19A), for the word “Mamlatdar”, the words “Court of Senior Civil Judge” shall be substituted;

(v) for clause (23), the following clause shall be substituted, namely:—

“(23) “tenant” means a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is or was deemed to be a tenant under this Act but shall not include a person, who is cultivating, or undertaking and carrying out agricultural operations upon a land by an agreement referred to in sub-section (1) of section 4A of this Act;”;

(vi) for clause (24), the following clause shall be substituted, namely:—

“(24) “Tribunal” means the Court of Senior Civil Judge; and”.

3. *Insertion of new section 4A.*— After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Contract farming.*— (1) Notwithstanding anything contained in any other provisions of this Act, any person may, by an agreement entered into in writing, with the landlord or an owner of the land, and duly registered with the Sub-Registrar of the Taluka within whose jurisdiction such land is situated, cultivate, or undertake and carry out any agricultural operations upon, such land.

(2) A person referred to in sub-section (1) shall not be entitled to claim any benefits which a tenant is entitled to under this Act.

(3) A person referred to in sub-section (1) shall, immediately upon entering into such agreement, inform the Directorate of Agriculture about the details of such land and the agricultural operation being carried out or proposed to be carried out by him on such land:

Provided that nothing in this section shall apply to,—

(i) a land which is the subject matter of any proceeding pending disposal on the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014; and

(ii) a land which is the subject matter of an application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act, filed after such commencement, within the time limit specified under section 60C of this Act, till final disposal of such proceedings.”

4. *Amendment of sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J,*

18K and 18L.— In sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L of the principal Act, for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted.

5. *Amendment of section 18.*— In section 18 of the principal Act,—

(i) for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted;

(ii) in sub-section (4), for the word “Collector”, the words “District Court” shall be substituted.

6. *Amendment of section 18A.*— In section 18A of the principal Act,—

(i) for the word “Mamlatdar”, wherever it occurs, the words “Court of Senior Civil Judge” shall be substituted;

(ii) in sub-section (2), for the words “in appeal by the Collector or in revision by the Administrative Tribunal”, the words “in appeal by the District Court” shall be substituted.

7. *Amendment of section 42A.*— In section 42A of the principal Act,—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Any sum which is payable by a tenant or any other person towards the cost of any such work as is referred to in sub-section (1) and any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector including an order awarding costs, shall be recoverable as an arrears of land revenue:

Provided that such recovery shall not be made and such order shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) An order or decision of the Mamlatdar in execution proceedings, subject to appeal, if any, shall be final.”.

8. *Omission of section 43.*— Section 43 of the principal Act shall be omitted.

9. *Amendment of section 46.*— In section 46 of the principal Act, the words “Mamlatdar or” shall be omitted.

10. *Substitution of section 46A.*— For section 46A of the principal Act, the following section shall be substituted, namely:—

“46A. *Powers of the Court of Senior Civil Judge to inquire into contraventions.*— The Government may, in any case where it has a reason to believe that there has been a contravention of the provisions of this Act, refer the matter to the Court of Senior Civil Judge to hold an inquiry into alleged contravention.”.

11. *Insertion of section 46B.*— After section 46A of the principal Act, the following section shall be inserted, namely:—

“46B. *Transfer of pending applications, appeals and revisions.*— (1) All applications and/or proceedings under sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and 18K of this Act filed and pending with the Mamlatdar immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the Court of Senior Civil Judge and such Court of Senior Civil Judge may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such Court of Senior Civil Judge may deem fit.

(2) All appeals and revisions pertaining to the applications and/or proceedings referred to in sub-section (1) filed and

pending with the Collector immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the District Court and such District Court may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such District Court may deem fit.

(3) All appeals and revisions filed and pending with the Administrative Tribunal immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall, on such commencement, stand transferred to the District Court and such District Court may proceed to deal with such matters from the stage at which they have reached before such transfer or from any earlier stage or *de novo* as such District Court may deem fit.”.

12. *Omission of section 48.*— Section 48 of the principal Act shall be omitted.

13. *Substitution of section 49.*— For section 49 of the principal Act, the following section shall be substituted, namely:—

“49. *Appeals.*— (1) From every order passed by the Mamlatdar before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014 or by the Court of Senior Civil Judge after such commencement, or by the Tribunal, an appeal shall lie to the District Court and the orders of the District Court on such appeal shall be final.

(2) From every original order passed by the Collector, an appeal shall lie to the District Court and the orders of the District Court on such appeal shall be final.”.

14. *Substitution of section 50.*— For section 50 of the principal Act, the following section shall be substituted, namely:—

“50. *Revision.*— Where no appeal lies under this Act, the District Court may, on

an application made by an aggrieved person, at any time, call for the record of the proceedings before the Mamlatdar, or the Collector, or the Tribunal, or the Court of Senior Civil Judge, for the purpose of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings before such Mamlatdar, or the Collector, or Tribunal, or Court of Senior Civil Judge, and pass such order as it may deem fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order.”.

15. *Substitution of section 51.*— For section 51 of the principal Act, the following section shall be substituted, namely:—

“51. *Extent of powers in appeal or revision.*— (1) The District Court in appeal or in revision, as the case may be, may confirm, modify or rescind the order in appeal or revision or its execution or may remand the case for disposal with such direction as deemed fit or pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders under this Act.”.

16. *Insertion of new section 51A.*— After section 51 of the principal Act, the following section shall be inserted, namely:—

“51A. *Finality of decisions of Collector.*— Every order or decision of the Collector, against the order of the Mamlatdar or Tribunal, passed before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014, shall be final and conclusive.”.

17. *Amendment of section 52.*— In section 52 of the principal Act,—

(i) in sub-section (1), for the word “Collector”, the words “Court of Senior Civil Judge” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in the Court-fees Act, 1870 (7 of 1870), every application made to the Mamlatdar, or the Tribunal, or the Collector, or the Court of Senior Civil Judge, and every appeal or application made to the District Court, under this Act, shall bear a court-fee stamp of such value as may be prescribed.”.

18. *Amendment of section 53.*— In section 53 of the principal Act, for the expression “inquiries, appeals and proceedings under this Act and in revision by the Collector” the expression “inquiries and proceedings under this Act” shall be substituted.

19. *Substitution of section 58.*— For section 58 of the principal Act, the following section shall be substituted, namely:—

“58. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.”.

20. *Amendment of section 59.*— In section 59 of the principal Act, for the words “Tribunal and Collectors” the expression “Tribunal, Collectors and Court of Senior Civil Judge” shall be substituted.

21. *Insertion of new sections 60C and 60D.*— After section 60B of the principal Act, the following sections shall be inserted, namely:—

“60C. *Time limit for Applications.*— No Court of Senior Civil Judge shall entertain any application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act unless it is filed within a period of one year from the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014.

60D. *Validation of notices, proceedings, orders, etc., of the Joint Mamlatdar under this Act.*— (1) Notwithstanding anything contained in this Act, or in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, all notices given, inquiries held, disputes decided, proceedings conducted, orders passed and all actions taken or acts done by any Joint Mamlatdar, by exercising the powers of Mamlatdar under this Act before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014 shall, for all purposes, be deemed to be and to have always been validly given, held, decided, conducted, passed, taken or done, as the case may be, in accordance with the provisions of this Act.

(2) No court shall have jurisdiction to entertain or try any suit or legal proceedings against the Government or against any officer of the Government or any Joint Mamlatdars acting or purporting to act under this Act in connection with the exercise of powers of the Mamlatdar under this Act whatsoever on the ground that the actions taken by such officers were illegal or invalid or irregular by reason of fact that such officers were not legally empowered to perform the functions of the Mamlatdar in accordance with the provisions of this Act."

Statement of Objects and Reasons

This Bill seeks to confer the powers of the Mamlatdars under sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964)(hereinafter referred to as the said "Act") upon the Court of Senior Civil Judge. Similarly, the appellate/revisional powers of Collector in above matters and the powers of the Administrative Tribunal under said Act are sought to be conferred upon the District Court.

The Bill further seeks to insert new section 4A in the said Act so as to introduce the

concept of contract farming in order to maintain and secure the greenery and farming activity, so also to avoid fertile land from remaining fallow.

Clause (15) of section 2 of the said Act is proposed to be substituted so as to include the Joint Mamlatdars within the definition of the word "Mamlatdar", thereby enabling the Joint Mamlatdars to exercise the powers under the said Act.

The Bill also seeks to insert new section 60D in the said Act so as to validate the notices given, inquiries held, disputes decided, proceedings conducted, orders passed and all actions taken or acts done by any Joint Mamlatdar, by exercising the powers of the Mamlatdar, under the said Act.

The Bill also seeks to insert section 60C in the said Act so as to fix the time limit of one year to any person to file application under sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.
14th August, 2014.

SHRI FRANCIS D'SOUZA
Minister for Revenue

Assembly Hall,
Porvorim, Goa.
14th August, 2014.

SHRI N. B. SUBHEDAR
Secretary to the
Legislative Assembly of Goa.

ANNEXURE

.....

**EXTRACT OF PROVISIONS OF THE GOA,
DAMAN AND DIU AGRICULTURAL TENANCY
ACT, 1964 (ACT 7 OF 1964) SOUGHT TO BE
AMENDED**

.....

2. *Definitions.*— In this Act, unless there is anything repugnant to the subject or context.

(1) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965.

(15) "Mamlatdar" means any person appointed by the Government to perform the duties of a Mamlatdar under this Act;"

(19A) "purchase price" means the price determined by the Mamlatdar under section 18C;

(23) "tenant" means a person who on or after the date of commencement of this Act holds land on lease and cultivates it personally and includes a person who is [or was] deemed to be a tenant under this Act;

(24) "Tribunal" means the Tribunal constituted under this Act; and

7. *Question of tenancy.*— If any question arises whether any person is a [or was] tenant or should be deemed to be a tenant under this Act the Mamlatdar shall, after holding an inquiry, decide such question. ["In any such enquiry, the Mamlatdar shall presume that any statement as to the existence of a right of tenancy in a record of rights prepared in the prescribed manner under and in accordance with the provisions of this Act, is true"].

"7A. *Question as to nature of land.*— If any question arises as to whether any land is or is not used for agricultural purposes the Mamlatdar shall, after holding an inquiry, decide such question."

8. *Bar to eviction and restoration of possession.*—

(1) No tenancy of any land shall be terminated and no person holding land as a tenant shall be liable to be evicted therefrom save as provided under this Act.

(2) Where any such person as is referred to in section 4 has been evicted from the land on or after the 1st July, 1962 such person shall be entitled to recover immediate possession of the land in the manner prescribed by or under this Act unless the

landlord proves that the termination of tenancy was in the manner authorised under section 9.

(3) Where any such person as is referred to in section 5 was evicted from such land on or after the 19th of December, 1961 but before the 1st of July, 1962, such person shall, in the manner prescribed by or under this Act, be entitled to recover possession of the land if—

(i) he applies to the Mamlatdar within six months from the day of coming into force of this Act stating that he agrees to become a tenant on the same terms and conditions as existed before and as modified by the provisions of this Act;

(ii) he proves that the eviction was malafied and was intended to defeat the purposes of this Act; and

(iii) he pays to the landlord the arrears of rent, if any, due from him under the terms of his tenancy or gives sufficient secure therefore:

Provided that where the land from which such person was evicted had been leased out by the landlord to another person for any perk after the said date, the evicted person shall not be entitled to recover possession before the first day of the year immediately following the year in which this Act comes into force.

(4) Notwithstanding anything contained in the foregoing provision where the Government is satisfied that a tenant has for reasons beyond his control omitted to take step for restoration of possession within the time prescribed therefore, it may on its own motion, direct the Mamlatdar to entertain and dispose of an application.

(5) Notwithstanding anything contained in the other provisions this Act, where a person who was holding land on lease from landlord has, in cases coming under section 4, on or after the 1st July, 1962, and in cases coming under section 5, on or after the 19th December, 1961, surrendered his right of tenancy to the landlord on or before the 28th July, 1964, he shall not be entitled to restoration of possession under this Act, if such surrender was voluntary and was made before the Administrator of the Concelho, in accordance with the rules and orders, if any, in that behalf or is found to be genuine by the Mamlatdar after holding an enquiry.

["8A. *Relief in certain cases of threatened wrongful dispossession.*— (1) Any tenant in possession of any land or dwelling house who

apprehends that he may be dispossessed contrary to the provisions of this Act, may apply in the prescribed manner to the Mamlatdar for an order safe guarding his right to possession.

(2) On such application, the Mamlatdar if he is satisfied on holding such enquiry as may be prescribed, that the applicant is entitled to continue in possession, shall, by order, direct the landlord or any person claiming through him to refrain from disturbing it otherwise than in accordance with law.

(3) In any proceeding under this section, if it is proved to the satisfaction of the Mamlatdar by affidavit or otherwise that the opponent threatens to dispossess the applicant, he may by order grant a temporary injunction restraining such dispossession or otherwise causing injury until the final disposal of the proceeding or until further orders.

In all such cases the Mamlatdar shall, except where it appears that the object of granting the injunction would be defeated by delay, issue notice of the application to the opponent before granting an injunction.

(4) Any person dispossessing a tenant in contravention of an order made under sub-section (2) or (3), in addition to any other penalty to which he is subject, on application made by the tenant within thirty days of such dispossession, and notwithstanding anything to the contrary in any other provision of this Act, be summarily evicted by the Mamlatdar who shall thereupon restore possession to the tenant"]

10. Surrender by tenant.— (1) Any tenant may surrender his right of tenancy in respect of any land to the landlord and thereupon the tenancy in respect of that land shall stand terminated if the following conditions are satisfied:

- (i) the surrender is made at least one month before the commencement of the year;
- (ii) it is made by the tenant in writing and is admitted by him before the Mamlatdar;
- (iii) it is made voluntarily and in good faith to the satisfaction of the Mamlatdar;
- (iv) it is approved by the Mamlatdar; and
- (v) the conditions in clauses (a) to (d) of sub-section (4) of section 20 are satisfied.

(2) Where the land is cultivated jointly by joint tenants or members of joint family, the surrender,

unless it is made by all of them shall be ineffective in respect of such joint tenants or members, as the case may be, as have not joined in the application for surrender.

(3) Where the Mamlatdar is of opinion that the conditions mentioned in sub-section (1) are not satisfied, he may, after giving a reasonable opportunity to the landlord to show cause against taking action under this sub-section, and holding such enquiry as he may;

(i) refuse to approve the surrender, or

(ii) submit the case to the Government for orders under the next sub-section.

(4) Where a case is submitted under the preceding sub-section, the Government may, by order, transfer the tenancy right to any other person, including a Comunidade, a Cooperative Society or a Panchayat, who, in its opinion, is a fit and proper person to be a tenant, and thereupon such other person shall be deemed to be a tenant for the purposes of this Act.

11. Termination of tenancy by landlord.— (1) The landlord may terminate a tenancy on the ground that the tenant:

- (a) has failed to pay the rent for any period on or before the date or dates fixed by or under this Act, or
- (b) has done any act which is destructive or permanently injurious to the land, or
- (c) has sub-divided, sub-let, or assigned any interest in the land, otherwise than as permitted under sections 14 and 15, or
- (d) has failed to cultivate the land personally, or
- (e) has used such land for a purpose other than agriculture.

(2) No tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this section unless the landlord gives at least ninety days notice in writing to the tenant intimating his decision to terminate the tenancy and the ground for such termination and unless within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated:

Provided that where the said breach occurs for the second time the tenant shall be liable to pay to the landlord by way of penalty a sum equal to 50 per cent of the rent payable for that season for the land in relation to which the breach has occurred:

Provided further, that where a breach of the same kind occurs on more than two consecutive occasions no such notice as is referred to above shall be necessary and the landlord shall be entitled to straight away make an application to the Mamlatdar under sub-section (4).

(3) The tenancy of a tenant who is a minor, or is subject to physical or mental disability, or is a serving Member of the Defence Forces shall not be terminated on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(4) Where the landlord after the expiry of the period of notice, if any, mentioned in sub-section (2) decides to terminate the tenancy under this section, he shall within such time as may be prescribed apply to the Mamlatdar for permission to do so and the Mamlatdar may accord permission or, if he considers it necessary for reasons to be recorded in writing and after considering the objections, if any, of the landlord, submit the case to the Government for orders sub-section (4) of section 10.

12. Special provisions regarding termination for non-payment of rent.— (1) Where the tenancy of any land held by a tenant is terminated for non-payment of rent and the landlord files any proceeding to eject the tenant, the Mamlatdar shall call upon the tenant to tender to the landlord the rent in arrears together with the cost of the proceedings within thirty days from the date of the order and if the tenant complies with such order, the Mamlatdar shall, in lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed for any three years to pay rent within the period fixed by or under this Act and the landlord has complied with the requirements, if any, of any notice to the tenant by or under this Act.

(2) The landlord may apply to the Mamlatdar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Mamlatdar may, after such enquiry as he considers necessary, pass such order as he deems fit. The Mamlatdar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landlord within the period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him:

Provided that if the Mamlatdar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Mamlatdar may, for reasons to be recorded in writing,

(i) direct, after hearing the landlord, that no rent shall be payable for the period of such failure of crops by the tenant, or

(ii) direct, after hearing the tenant and the landlord, that the arrears of rent, or such part thereof as may be considered reasonable by the Mamlatdar, together with the cost of proceedings, if awarded, shall be paid within one year from the date of the order and that if before expiry of the said period the tenant fails to pay the said arrears of rent and costs the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the landlord for any period and if the landlord refuses to receive it or grant a receipt for it, the tenant may present to the Mamlatdar an application in writing for permission to deposit in his office the full amount of rent. The Mamlatdar may receive the amount in deposit and give a receipt for it. Notice of the amount so deposited shall be given to the landlord and if the Mamlatdar is satisfied that the payment by the tenant was bona fide it shall be paid to the landlord, and thereupon it shall constitute a discharge of the tenant's liability in respect of the rent for such period and no claim or application by a landlord for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant.

14. Rights of tenants are heritable.— (1) Where a tenant dies the landlord shall be deemed to have continued the tenancy —

(a) if such tenant was a member of a joint family, to the surviving member or members of the said family, and

(b) if such tenant was not a member of a joint family, to his, heir or heirs on the same terms and conditions on which such tenant was holding it at the time of his death.

(2) The surviving members, or as the case may be, the heirs to whom the tenancy is continued under sub-section (1) shall be entitled to partition and sub-division of the land leased subject to the following conditions:

(a) each sharer shall hold his share as a separate tenant;

(b) the rent payable in respect of the land leased shall be apportioned among the shares according to share allotted to them;

and if any question arises regarding the shares or the apportionment of the rent payable by the sharers, it shall be decided by the Mamlatdar whose decision shall be final.

[“Provided, however, that no partition or sub-division shall be permissible if the share allotted to any heir or any co-partner together with any other land already held by him is less than 1/3 hectare of morod land and 1/4 hectares of Khajan or Kher land.

Explanation.— The allotment of a separate number to any portion of the land for the purposes of land records or land survey under any law for the time being in force shall not, by itself amount to a sub-division or partition for the purpose of this sub-section”.]

(3) Where any question arises as to the person or persons in whose favour tenancy is deemed to have been continued under the foregoing provisions, such question shall be determined by the Mamlatdar after hearing the landlord and other persons interested in the matter:

Provided that nothing in this sub-section shall preclude the rights of parties being determined by a court of law.

18. *Procedure for taking possession.*— (1) A tenant entitled to possession of any land or dwelling house under any of the provisions of this Act may apply in writing for such possession to the Mamlatdar. The application shall be made in such form and within such period as may be prescribed by or under this Act.

(2) No landlord shall obtain possession of any land or dwelling house held by a tenant except under an order of the Mamlatdar, for which he shall make an application in such form and within such period as may be prescribed by or under this Act.

(3) On receipt of an application under sub-section (1) or (2) the Mamlatdar shall, after holding an enquiry, pass such orders thereon as he deems fit, with due regard to the other provisions of this Act and the Rules.

(4) Any tenant or landlord taking possession of any land or dwelling house except in accordance with the provisions of sub-section (1) or (2), shall be liable to forfeiture of crops, if any, grown in the land in favour of the landlord or the tenant, as the case

may be, in addition to payment of such costs as may be awarded by the Mamlatdar or by the Collector on appeal and also to the penalty, if any, prescribed by or under this Act.

(5) The Government may, by notification, direct that the provisions of the foregoing sub-sections shall apply to sites used for allied pursuits as they apply to sites of dwelling houses of an agriculturist and thereupon the provisions shall so apply.

18A. *Tenants deemed to have purchased lands on tillers' day.*— (1) On the tillers' day, every tenant shall, subject to the other provisions of this Act, be deemed to have purchased from his landlord the land held by him as a tenant and such land shall vest in him free from all encumbrances subsisting on the said day.

(2) Where a tenant, on account of his eviction from the land by the landlord before the tillers' day, is not in possession of the land on the said day, but has made or makes an application for possession of the land under section 18 within the period specified therein, then, if the application is allowed by the Mamlatdar or, as the case may be, in appeal by the Collector or in revision by the Administrative Tribunal, he shall be deemed to have purchased the land on the day on which the final order allowing the application is passed.

(3) Where a tenant referred to in sub-section (2) has not made an application for possession within the period specified under section 18 or the application made by him is finally rejected under this Act, and the land is held by any other person as tenant on the expiry of the said period or on the date of the final rejection of the application, such other person shall be deemed to have purchased the land on the date of the expiry of the said period or, as the case may be, on the date of the final rejection of the application.

(4) If a tenant is not in possession of the land on the tillers' day on account of his being dispossessed otherwise than in the manner provided in section 11 and the land is—

(a) in possession of the landlord or his successor in interest; and

(b) not put to a non-agricultural use, the Mamlatdar shall notwithstanding anything contained in this Act, either suo motu or on the application of the tenant, hold an inquiry and direct that such land shall be taken from the

possession of the landlord or, as the case may be, his successor in interest and shall be restored to the tenant and the provisions of this Chapter shall, in so far as they may be applicable, apply thereto, subject to the modification that the tenant shall be deemed to have purchased the land on the date on which the land is restored to him:

Provided that the tenant shall not be entitled to restoration under this sub-section unless he undertakes to cultivate the land personally.

Explanation.— In this sub-section, “successor-in-interest” means a person who acquires the interest by testamentary disposition or devolution on death.

(5) In respect of the land deemed to have been purchased by a tenant under sub-section (1),—

(a) the tenant-purchaser shall be liable to pay to the former landlord the purchase price; and

(b) the tenant-purchaser shall be liable to pay to the Government, the dues, if any, from the tillers' day.

18B. *Right of tenant to purchase land where he is a minor, etc.*— (1) Notwithstanding anything contained in section 18A, where the tenant is a minor or a widow or a person subject to mental or physical disability or a serving member of the Defence Forces, the right to purchase land under that section may be exercised—

(a) by the minor within one year from the date on which he attains majority;

(b) by the successor in title of the widow within one year from the date on which her interest in the land ceases to exist;

(c) within one year from the date on which the mental or physical disability of the tenant ceases to exist;

(d) within one year from the date on which the tenant ceases to be a serving member of the Defence Forces:

Provided that where a person of any such category is a member of a joint family, the provisions of this sub-section shall not apply if at least one member of the joint family is outside the categories mentioned in this sub-section, unless before the tillers' day the share of such person in the joint family has been separated by metes and bounds, and the Mamlatdar on inquiry is satisfied that the share of such person in the land is separated having regard to the

area, assessment, classification and the value of the land, in the same proportion as the share of that person in the entire joint family property.

(2) A tenant desirous of exercising the right conferred on him under sub-section (1) shall give an intimation in that behalf to the landlord and the Mamlatdar within whose jurisdiction the land is situated in the prescribed manner within the period specified in that sub-section.

(3) The provisions of section 18A and sections 18C to 181 shall, so far as may be applicable, apply to such purchase.

18C. *Mamlatdar to issue notices and determine price of land to be paid by tenants.*— (1) As soon as may be after the tillers' day, the Mamlatdar shall publish or cause to be published a public notice in the prescribed form in the Official Gazette and also in such other manner as may be prescribed calling upon—

(a) all tenants who under section 18A are deemed to have purchased the lands;

(b) all landlords of such land; and

(c) all other persons interested therein, to appear before him on the date specified in the notice.

[“(2) Notwithstanding anything contained in sub-section (1), the Mamlatdar may, on his own motion or on an application from any person who has been called upon to appear before him under sub-section (1), give an opportunity to appear before him on any subsequent day, time and place other than that specified in the public notice under sub-section (1), to—

(a) such tenants or such persons claiming to be tenants;

(b) such landlords and other interested parties, who had appeared before the Mamlatdar in response to notice published under sub-section (1)”];

(3) The Mamlatdar shall record in the prescribed manner the statement of the tenant whether he is or is not willing to purchase the land held by him as a tenant.

(4) Where any tenant makes a statement that he is not willing to purchase the land, the Mamlatdar shall, by an order in writing declare that such tenant is not willing to purchase the land and that the purchase is ineffective:

Provided that if such order is passed in default of the appearance of any party, the Mamlatdar shall communicate such order to the parties and any party on whose default the order was passed may within sixty days from the date on which the order was communicated to him apply for the review of the same.

(5) If a tenant is willing to purchase, the Mamlatdar shall, after giving an opportunity to the tenant and the landlord and all other persons interested in such land to be heard and after holding an inquiry determine the purchase price for such land in accordance with the provisions of section 18D.

(6) In the case of a tenant who is deemed to have purchased the land on a date subsequent to the tiller's day, the Mamlatdar shall, as soon as may be after such day, determine the price of the land.

18E. Mode of payment of purchase price by tenant.— (1) On the determination of the purchase price by the Mamlatdar under section (18C, the tenant shall deposit the purchase price with the Mamlatdar the manner provided in this section.

(2) The tenant shall have the option to deposit the purchase price either in lumpsum or in ten equal annual instalments.

(3) The first instalment of the purchase price or where the purchase price is payable in a lumpsum under sub-section (2), the lumpsum, shall be paid by the tenant within a period of six months from the date of passing of the order of the Mamlatdar under section 18C.

(4) The second or subsequent instalments of the purchase price shall be paid within a period of one year from the date on which the previous instalment was due.

(5) Where the lumpsum payment or any installment of the purchase price has not been deposited on the due date, the amount in default shall carry interest at the rate of six per cent per annum.

18F. Amount of purchase price to be applied towards satisfaction of debts.— (1) The Mamlatdar shall in an inquiry held under section 18C, determine any encumbrances lawfully subsisting on the land on the tillers' day.

(2) If the total amount of the encumbrances is less than the purchase price determined under that section,—

(i) where the purchase price is paid in lumpsum, it shall be deducted from the purchase price and the balance paid to the former landlord;

(ii) where the purchase price made payable in instalments, the Mamlatdar shall deduct such amount from such instalments towards the payment of such encumbrances:

Provided that where under any agreement, award, decree or order of a court or under any law, the amount of the encumbrances is recoverable in instalments, the Mamlatdar shall deduct such amount as he deems reasonable from the instalments so payable.

(3) If the total amount of the encumbrances is more than the amount so determined, the purchase price in lumpsum or the instalments, as the case may be, shall be distributed in the order of priority and if any person has a right to receive maintenance or alimony from the profits of the land the Mamlatdar shall also make deductions for payment out of the purchase price.

(4) Nothing in this section shall affect the rights of the holder of any such encumbrance to proceed against the former landlord in any other manner or under any other law for the time being in force.

18G. Recovery of purchase price as arrears of land revenue.— If the tenant-purchaser makes a default in the payment of the whole or part of the purchase price, the Mamlatdar shall, on an application made in this behalf by the landlord proceed to recover such sum which is in arrears on the date of application, together with any interest due as arrears of land revenue.

18H. Purchase to be ineffective on tenant-purchaser's failure to pay purchase price.— (1) On the deposit of the purchase price in lumpsum or of the first installment of such price, the Mamlatdar shall issue a certificate of purchase in the prescribed form to the tenant purchaser in respect of the land and such certificate shall, subject to sub-section (2), be conclusive evidence of the purchase.

(2) In the event of failure of recovery of purchase price as arrears of land revenue under section 18G, the purchase shall be ineffective and the land shall be at the disposal of the Mamlatdar under section 18J and any amount deposited by such tenant-purchaser towards the price of the land shall be refunded to him.

18J. Power of Mamlatdar to resume and dispose of land not purchased by the tenant.— (1) Where the

purchase of any land by the tenant under section 18A becomes ineffective under section 18C or section 18H or where a tenant fails to exercise the right to purchase the land held by him within the specified period under section 18B, the Mamlatdar may, suo motu or on an application made in this behalf, and in cases other than those cases in which the purchase has become ineffective by reason of section 18C or section 18H, after holding a formal inquiry direct the land or part thereof shall be disposed of in the manner provided in sub-section (2).

(2) The Mamlatdar shall make an order directing that the land or part thereof referred to in sub-section (1) shall be disposed of by sale to any person in the following order of priority:

(i) 75 per cent of such land shall be disposed of by sale to persons belonging to the Schedule Castes and Scheduled Tribes;

(ii) the land remaining after disposal in the manner provided in clause (i) shall be disposed of by sale in the following order of priority, namely:—

(a) serving member of the Defence Forces or an ex-serviceman or a freedom fighter, who agrees to cultivate the land personally;

(b) agricultural labourers;

(c) landless persons;

(d) a co-operative farming society registered as such under the Maharashtra Co-operative Societies Act, 1960, as in force in the Union Territory of Goa, Daman & Diu.

Explanation 1.— Where the Mamlatdar has to select under this sub-section one or more persons having the same order of priority, preference shall be given to a person residing in the village in which the land is situated. In the event of there being more than one applicant having the same priority, the land shall be disposed of by sale, by drawing lots. The maximum area of the land that shall be sold to an individual shall be equivalent to one “economic holding” as defined in clause (e) of rule 2 of the Goa, Daman and Diu Land Revenue (Disposal of Government Lands) Rules, 1971.

Explanation II.— For the purposes of this sub-section, “freedom fighter” means a person who has,—

(a) suffered imprisonment or detention for a period of not less than six months; or

(b) become permanently incapacitated as a result of any firing or lathi charge; or

(c) lost his job or means of livelihood or the whole or part of any of his property, by reason of his participation in the national movement for the liberation of Goa, Daman and Diu.

(3) Where any land is disposed of under sub-section (2), the Mamlatdar shall determine the price of the land in accordance with the provisions of section 18C and the price so determined shall be paid in accordance with the provisions of section 18E.

(4) Where any land or portion thereof is offered for sale under sub-section (2), but no person comes forward to purchase such land or portion, as the case may be, it shall vest in the Government free from all encumbrances subsisting on the tillers' day and the purchase price payable by the Government to the landlord in respect of the land so vested in the Government shall be paid in cash.

18K. Restrictions on transfers of land purchased under this Chapter.— No land purchased by a tenant under this Chapter shall be transferred by sale, gift, exchange, mortgage, lease or assignment without the previous sanction of the Mamlatdar:

Provided that no such sanction shall be necessary where the land is to be mortgaged in favour of the Government or a co-operative society for the purpose of a loan for effecting any improvement of such land.

18L. Power to make rules.— (1) The Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the tenant should intimate the landlord and the Mamlatdar under sub-section (2) of section 18B;

(b) the form of public notice and the manner in which it is so be published under sub-section (1) of section 18C;

(c) any other matter which is required to be prescribed.”]

42A. Procedure for regulating the discharge of joint responsibility of tenants.— (1) When under any of the provisions of this Act, the duty and responsibility of any work of conservancy, maintenance or repair of any bund, embankment, ridge, sluice gate or any other work is that of more than one tenant, Government may, by rules regulate the manner in which such duty or responsibility shall be discharged and also the determination and recovery

of the share of a tenant of the cost of a work to which he is under an obligation to contribute.

(2) Without prejudice to the generality of the foregoing, such rules may provide for —

(i) the constitution, functions and organisation of tenants associations for any local area;

(ii) the management and regulation of sources of income of the associations such as income from trees on bunds, operation of sluice-gates, fisheries and such other sources of income as may be prescribed;

(iii) the termination of the beneficiaries of any work, the apportionment and recovery of the cost of such work from among them;

(iv) the manner in which works shall be executed; and

(v) the conditions and mode of payment of Government's contribution.

(3) any sum which is payable by a tenant or any other person towards the cost of any such work as is referred to in sub-section (1) shall be recoverable as arrears of land revenue.

Explanation:— For the purpose of this section the term "tenant" shall include every person who cultivates the land personally].

43. *Tribunal.*— (1) For the purpose of this Act there shall be a Tribunal consisting of not more than three members, called the Agricultural Lands Tribunal, for such area as the Government may, by notification, from time to time specify.

(2) Notwithstanding anything contained in sub-section (1) the Government may appoint any officer not below the rank of a Mamlatdar to be the Agricultural Lands Tribunal and to exercise the powers and to perform the duties and functions of the said Tribunal under this Act in a Taluka or in any other area as may be specified in this behalf.

(3) Save as otherwise provided, the qualifications of the members constituting the Tribunal and conditions of service and all other matters relating to the constitution or organisation of the Agricultural Lands Tribunal shall be such as may be prescribed.]

46. *Commencement of Proceedings.*— Save as otherwise expressly provided by or under this Act all inquiries and other proceedings before the Mamlatdar or Tribunal shall be commenced by an

application which shall contain the following particulars:

(a) the name, age, profession and place of residence of the applicant and the opponents;

(b) a short description and situation of the property of which possession is sought, or the amount of the claim, as the case may be;

(c) the circumstances out of which the cause of action arose;

(d) a list of the applicant's documents, if any, and of his witnesses, and whether such witnesses are to be summoned to attend or whether the applicant will produce them on the day of the hearing; and

(e) such other particulars as may be prescribed.

46A. *Powers of the Mamlatdar to inquire into contraventions.*— (1) Notwithstanding the fact that no application has been made to him in this behalf the Mamlatdar may, upon information received or upon his own knowledge or suspicion, that any of the provisions of this Act have been contravened hold an inquiry in the prescribed manner into the alleged contravention as if an application had been made to him in this regard.

(2) Government may, in any case where it has reason to believe that there has been a contravention of the provisions of this Act, direct the Mamlatdar to hold an inquiry into alleged contravention.

The powers of Government under this sub-section may also be exercised by the Collector or any other Officer empowered in this behalf by Government].

48. *Execution of order for payment of money or restoring possession.*— (1) Any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector including an order awarding costs, shall be recoverable from the person ordered to pay the same as an arrear of land revenue; an order of the Mamlatdar or the Tribunal awarding possession or restoring the possession or use of any land shall be executed such manner as may be prescribed:

Provided that such recovery shall not be made and such order '[other than an order directing the restoration of possession to a tenant] shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.

[*Explanation*:— For the purposes of the preceding proviso the expression “tenant” shall not include a person deemed to be a tenant under section 4 or section 5].

(2) An order or decision of the Mamlatdar in execution proceedings, subject to appeal, if any, shall be final.

49. *Appeals*.— (1) From every order [including an order passed under chapter II-A] other than an interim order passed by the Mamlatdar [or the Tribunal] under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final, subject to revision, if any, by [the Administrative Tribunal.]

(2) From every original order other than an interim order passed by the Collector and appeal shall lie to the [Administrative Tribunal] and the orders of Administrative Tribunal on such appeal shall be final.

50. *Revision*.— (1) where no appeal lies under this Act, or none has been filed within the period provided for it, the Collector may, on his own motion or on an application made by an aggrieved person or on a reference made in this behalf by the Government, at any time call for the record of any inquiry or the proceedings of any Mamlatdar [or Tribunal] for the purpose of satisfying himself as to the legality or propriety of any order passed by and as to the regularity of the proceedings of such Mamlatdar [or Tribunal] and pass such order thereon as he deems fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Mamlatdar shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

(2) An application for revision may be made to the Administrative Tribunal against any order, other than an interim order of the Collector, on the following grounds only:-

(a) that the order of the Collector was contrary to law;

(b) that the Collector has failed to determine some material issue of law; or

(c) that there was a substantial error in following the procedure provided by this Act, which has resulted in the miscarriage of justice.

(3) On the coming into force of the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1968, all revision applications pending with the Government shall stand transferred to the Administrative Tribunal and shall be disposed of by the said Administrative Tribunal as if they had been filed under sub-section (2).]

51. *Extent of powers in appeal or revision*.— (1) The Collector [or the Administrative Tribunal] in appeal or in revision, may confirm, modify or rescind the order in appeal or revision or its execution or may [remand the case for disposal with such direction as deemed fit or] pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar or the Tribunal under this Act.

52. *Limitation and Court Fees*.— (1) Every appeal or application for revision under this Act shall be filed within a period of sixty days from the date of the order of the Mamlatdar, Tribunal or Collector, as the case may be and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963, shall apply to the filing of such appeal or application for revision.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 every appeal or application made under this Act to the Mamlatdar, Tribunal, Collector or the [Administrative Tribunal] shall bear a Court fee stamp of such value as may be prescribed.

53. *Procedure*.— (1) Subject to the other specific provisions in this behalf, the procedure to be followed by the Mamlatdar or the Tribunal or the Collector in all inquiries, appeals and proceedings under this Act and in revision by the Collector shall be such as may be prescribed;

(2) Every decision or order passed under this Act shall be recorded in the form of an order which shall state the reasons therefore.

(3) All inquiries and proceedings before the Mamlatdar, the Tribunal, [and the Collector] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

58. *Bar to jurisdiction of Courts*.— (1) No suit or other proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

(2) Save as provided in this Act, no Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar, Tribunal Collector or Government, and no order passed by these authorities under this Act shall be questioned in any Civil or Criminal Court.

59. *Power to give directions.*— The Government shall have power to issue directions or orders to Mamlatdars, Tribunal and Collectors, to give effect to the provisions of this Act and the rules made thereunder.

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
14th August, 2014. Legislative Assembly of Goa.

LA/LEGN/2014/1183

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Public Health (Amendment) Bill, 2014

(Bill No. 16 of 2014)

A

BILL

*further to amend the Goa, Daman and Diu
Public Health Act, 1985 (Act 25 of 1985).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 29.*— In section 29 of the Goa, Daman and Diu Public Health

Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “principal Act”), in sub-section (2), the expression “(excluding therapeutic massage)” shall be omitted.

3. *Insertion of new sections 29A, 29B and 29C.*— After section 29 of the principal Act, the following sections shall be inserted, namely:—

“29A. *Inspection of Massage Parlour/Spa.*— (1) The Health Officer or any Officer not below the rank of Deputy Superintendent of Police as may be authorized by the Government, shall, from time to time, inspect the massage parlour/spa or any establishment or premises wherein massage parlour/spa is being run and also the registers that are required to be maintained by them under this Act. The person in-charge of massage parlour/spa shall, at all time, allow such officer to carry out such inspection. If upon inspection, the massage parlour/spa is found being run in contravention of the provisions of this Act or the rules framed thereunder, such Officer shall immediately inform about such contravention to the Collector, who shall immediately take all the steps for closure of massage parlour/spa and send all the details thereof to the Director who shall after affording reasonable opportunity of being heard pass such order as he may deem fit in the matter.

(2) No officer referred to in sub-section (1) shall enter any room or area of the massage parlour/spa where the massage is being carried out without prior notice.

29B. *Penalty for non-registration.*— A massage parlour/spa running without registering shall be liable to a fine of Rs. 20,000/- (Rupees twenty thousand only) or any amount as notified by the Government from time to time.

29C. *Registration of masseur/therapists.*— (1) No massage parlour/spa shall employ a masseur/therapist, unless

he/she holds a certificate of registration issued under sub-section (2), and a medical fitness certificate issued by the Government Hospital.

(2) Every person who desires to work as a masseur/therapist in a massage parlour/spa shall apply to such officer, in such form and accompanied with such fee, as may be prescribed, for grant of a certificate of registration.

(3) The officer, on receipt of an application under sub-section (2), shall, after conducting such inquiry as he deems fit, within a period of thirty days from the date of receipt of such application, either grant or refuse to grant a certificate of registration. Every order of refusal to grant certificate of registration shall be in writing. In case of refusal to grant such certificate, the applicant may file an appeal to the Director.

(4) The certificate of registration to be granted under sub-section (3) shall be in the prescribed form and shall be valid for a period of two years from the date of its issue and renewable for the same period thereafter. Before expiry of such certificate, the masseur/therapist shall get his certificate of registration renewed on payment of such fee as may be prescribed.

(5) Every officer referred to in sub-section (2) shall maintain a register of registered masseurs/therapists.

(6) If any masseur/therapist is found working in any massage parlour/spa without a valid certificate of registration, he shall be liable to a fine of Rs. 5,000/- (Rupees five thousand only) or any amount as notified by the Government from time to time, and the owner of such massage parlour/spa also shall be liable to a fine of Rs. 10,000/- (Rupees ten thousand only) or any amount as notified by the Government from time to time.”.

4. *Amendment of section 54.*— In section 54 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

“(c) any hotel, hostel, boarding house, choultry, rest-house, club or massage parlour/spa, or”.

5. *Substitution of section 75A.*— For section 75A of the principal Act, the following section shall be substituted, namely:—

“75A. *Builder and contractor to get employees screened.*— (1) No builder and/or contractor shall employ any employee/labourer at the construction site unless the builder and/or contractor gets such employee/labourer duly screened for malaria at the nearest Health Centre or at Mobile Squad of National Malaria Eradication Programme. Similar screening for malaria shall be done once in every three months.

(2) The Health Officer/Medical Officer of the Health Centre/Mobile Squad shall, after screening any employee/labourer for malaria and other sickness, issue a health card containing the photograph of the employee/labourer and a certification as regards the health status of the employee/labourer so screened.

(3) Whenever demanded by the Health Officer, the builder/contractor or employee/labourer shall produce such health card.”.

6. *Amendment of section 75AA.*— In section 75AA of the principal Act,—

(i) in sub-section (1), for the letters and figures “Rs. 1000/-” and “Rs. 50/-”, the letters and figures “Rs. 10,000/-” and “Rs. 500/-” shall be respectively substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the event of the contravention of the provisions of section 75A of this Act continuing beyond a period of fifteen days from the date of imposition of daily fine of Rs. 500/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or cancel the construction licence issued

to the builder/contractor till such time the contravention continues and the concerned local authority shall act accordingly and the builder/contractor shall, upon conviction, be punishable with imprisonment for a term which shall not be less than three months but which may extend to six months.”.

7. *Insertion of new section 94D.*— Section 94D of the principal Act shall be re-numbered as section 94E and before section 94E as so re-numbered, the following section shall be inserted, namely:—

“94D. *Compliance with other laws.*— Every person, establishment, undertaking and organization shall, comply with the provisions of all allied laws as in force in the State of Goa relating to collection, processing and disposal of solid waste, biodegradable and non-biodegradable garbage, and also make payment of fee, cess or any other levy, due under such laws, and even though such fees, cess including green cess and/or any other dues are levied as notified under such laws, the same shall be deemed to be levied and notified under this Act.”.

Statement of Objects and Reasons

This Bill seeks to insert new section 29A in the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “said Act”) so as to make provision in respect of inspection of massage parlour/spa by the Health Officer or Officer authorised by the Government and closure of massage parlour/spa for contravention of the provisions of the said Act or rules framed thereunder.

The Bill further seeks to insert new section 29B in the said Act so as to penalise the persons running massage parlours/spas without registration under the said Act.

The Bill also seeks to insert new section 29C in the said Act so as to make registration of every masseur/therapist working in massage parlour/spa mandatory.

The Bill also seeks to amend section 54 of the said Act so as to prohibit a person who knows that he is suffering from an infectious disease from exposing other persons to the risk of infection by his presence or conduct in massage parlour/spa.

The Bill also seeks to substitute section 75A of the said Act so as to make the builder/contractor responsible for screening of the employees/labourers employed by them at the construction site.

The Bill also seeks to amend section 75AA of the said Act so as to enhance the quantum of penalties specified therein.

The Bill also seeks to insert new section 94D in the said Act so as to make, the compliance of the provisions of laws, allied to the said Act, relating to collection, processing and disposal of solid waste, biodegradable and non-biodegradable garbage, and payment of fee, cess or any other levy, due under such laws, mandatory and even though such fee, cess including green cess and/or any other dues are levied as notified under such laws, the same shall be deemed to be levied and notified under the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to frame rules for specifying the form in which, and the officer to whom, an application for registration as masseur/therapist is to be made and also the fee to be accompanied therewith as well as for specifying the form of certificate of registration as masseur/therapist and fee for renewal of such certificate of registration.

This delegation is of normal character.

Porvorim-Goa. (LAXMIKANT PARSEKAR)
August, 2014. Minister for Health

Assembly Hall, (N. B. SUBHEDAR)
Porvorim-Goa. Secretary to the Legislative
13th August, 2014. Assembly of Goa

ANNEXURE

Bill No. 16 of 2014

Extract of Sections 29, 54, 75A and 75AA clauses of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985)

¹¹[29. *Establishment of commercial, industrial and other establishments and constructions.*— (1) 12{No person, including Government Department, semi-Government Organization, Government company and statutory or non-statutory Corporation} shall construct any building, house, cesspool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer incharge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No commercial or industrial establishments, warehouses, storehouses, factories, workshops, 13[massage parlour/SPAS (excluding therapeutic massage) or any other like service] or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

(3) All such permissions issued shall be subject to the payment of such fees as may be notified by the Government from time to time.]

54. *Prohibition of the exposure of other persons to infections.*— (1) No person who knows that he is suffering from an infectious diseases specified in this Chapter shall expose other persons to the risk of infection by his presence or conduct in—

- (a) any market, college, playground, or such other place, or
- (b) theatre or other place of entertainment or assembly, or

- (c) any hotel, hostel, boarding house, choultry, rest-house or club, or
- (d) any factory or shop.

Explanation:— A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other Officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector or a Medical Practitioner that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

²²[75A. *Screening of migrant labourers at construction sites.*— All migrant labourers who are brought from other States shall be screened for Malaria at the nearest Health Centre or mobile squads of National Malaria Eradication Programme. The Health Officer/Medical Officer I/c of the Directorate of Health Services shall then issue a health card with photograph certifying his present status of Malaria. No labourer shall be engaged by the contractor at the construction sites unless he has a health card. Similar screenings for Malaria shall be done once in every 3 months. The responsibility of obtaining the health card shall rest entirely on the labourer.

75AA. *Penalty for offence under Section 75A.*— (1) Whoever contravenes the provisions of section 75A of the Act, shall be punishable with the fine of Rs. 1000/- per person each time and when the offence is a continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence.]

²³[(2) In the event of the contravention of the provision of section 75A of the Act continuing beyond a period of seven days from the date of imposition of daily fine of Rs. 50/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or cancel the construction licence issued to the contractor till such time the contravention continues and the concerned local authority shall act accordingly.]

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
Dated: 13-8-2014. Legislative Assembly of Goa

LA/LEGN/2014/1184

The following bill which was introduced in the Legislative Assembly of the State of Goa on 18th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Non-Biodegradable Garbage (Control) (Third Amendment) Bill, 2014

(Bill No. 19 of 2014)

A

BILL

further to amend the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997).

Be it enacted by the Legislative Assembly of Goa in the Sixty- fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Non-Biodegradable Garbage (Control) (Third Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997) (hereinafter referred to as the “principal Act”),—

(a) in clause (c), for the words “a Municipal Council”, the expression “a Municipal Corporation, a Municipal Council” shall be substituted;

(b) in clause (f),—

(i) in sub-clause (iii), the word “and” shall be omitted;

(ii) in sub-clause (iv), the word “and” shall be inserted at the end;

(iii) after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) any person who is in charge of any place owned by the Central or State Government, Government Company or

Corporation, or any place where exhibitions and other events are organized;”.

3. *Substitution of section 5.*— For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Duty of owner and occupier to collect, segregate and store non-biodegradable garbage etc.*— It shall be the duty of the owner and occupier to collect and segregate the non-biodegradable garbage generated within their place and store securely until it is handed over to the local authority.”.

4. *Insertion of new section 5A.*— After section 5 of the principal Act, the following section shall be inserted, namely:—

5A. *Penalty for contravening provision of section 5.*— (1) Whoever contravenes any of the provisions of section 5 of this Act shall be punishable with:—

(a) a fine of Rs. 200/- for first offence, Rs. 500/- for the second offence, and Rs. 5000/- or with imprisonment which may extend to one month or with both, for every subsequent offence, when the offence is in relation to a residential house;

(b) a fine of Rs. 2000/- for first offence, Rs. 5000/- for the second offence, and Rs. 25000/- or with imprisonment for a term which may extend to six months or with both, for every subsequent offence, when the offence is in relation to a commercial establishment.”.

Amendment of section 8.— In section 8 of the principal Act, in sub-section (1), for the expression “Whoever is guilty of any Act”, the expression “Same as provided in section 5A of this Act, whoever is guilty of any Act” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend sub-clause (c) & sub-clause (f) of section 2 of the Goa Non-Biodegradable Garbage (Control) Act, 1996 (Goa Act No. 5 of 1997) (hereinafter referred

to as the “said Act”), so as to incorporate Municipal Corporation as a “local authority” as well as include any person who is incharge of any place owned by the Central or State Government, Government Company or Corporation, or any place where exhibitions and other events are organized; within the definition of “occupier”.

Further the Bill seeks to substitute section 5 of the said Act, so as to cast upon the owner and occupier, the duty of collection, segregation and storage of non-biodegradable garbage.

Further, the Bill seeks to insert a new section 5A for providing a penalty for those who are contravening the provision of section 5 as well as amend the provision of section 8 by incorporating the provision of the new section 5A.

The Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill. However, it will generate additional revenue to the Government by way of collection of fine.

Memorandum Regarding Delegated Legislation

The provisions do not provide for any delegation and the amendments are normal in character.

Porvorim, Goa. ALINA SALDANHA
14th August, 2014. Minister for Environment

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
14th August, 2014. Assembly of Goa.

ANNEXURE

(Bill No. 19 of 2014)

.....
Extract of Section 2, Section 5 and Section 8, the
Goa Non-Biodegradable Garbage (Control)
Act, 1996 (Goa Act No. 5 of 1997)
.....

2. *Definitions.*— In this Act, unless the context otherwise requires,

(a) “bio-degradable garbage” means the garbage or waste materials capable of being destroyed by the action of living beings;

(b) “house gully” means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to the latrine, urinals, cesspool or other receptacle for filth or other polluted matter, by persons employed in the clearing thereof in the removal of such matter therefrom;

(c) “local authority” means a Municipal Council, a Zilla Panchayat or a Panchayat constituted, or continued, under any law for the time being in force;

(d) “market” includes any place where persons assemble for exposing for sale, meat, fish, fruits, vegetables, food or any other articles for human use or consumption with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of the buyers and the sellers and whether or not any control is exercised over the business of or the person frequenting, the market by the Owner of the place or by any other persons;

(e) “non-biodegradable garbage” means the waste garbage or material which is not biodegradable garbage and includes polyethylene, nylon, and other plastic goods such as P.V.C. polypropylene and polystyrene which are not capable of being destroyed by an action of living beings and are more specifically included in the schedule to this Act;

(f) “occupier” includes:

(i) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(ii) an owner in occupation of or otherwise using his land or building;

(iii) a rent free tenant of any land or building; and

(iv) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(g) “Official Gazette” means the Official Gazette of the Government;

(h) “owner” includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building, whether or his own account or on account of himself and others or an agent, trustee, guardian or receiver for any other or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(i) "place" means any land or building or part of a building and includes the garden, ground and outhouses, if any, pertaining to a building or part of a building;

(j) "place open to public view" includes any private place, building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Public Analyst" means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State under the provisions of the Environment (Protection) Act, 1986 (Central Act 29 of 1986).

(m) "public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, market, house-gully or way, whether a throughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and

(n) "State Government" means the Government of Goa;

5. *Duty of owners and occupiers to collect and deposit non-biodegradable garbage. etc.*— It shall be the duty of the owners and occupiers of all lands and buildings—

(a) to collect or to cause to be collected from their respective land and buildings the non-biodegradable garbage and to deposit or cause to be deposited, in public receptacles, deposits or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;

(b) to provide separate receptacles or dustbins, other than, those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority or its officers for collection therein of all the non-biodegradable waste from such land and buildings and to keep such 'receptacles, dustbins in good conditions and repair.

8. *Penalties.*— (1) Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punishable with double the penalty provided for the latter offence.

(3) Whoever in any manner aids abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

Assembly Hall,
Porvorim, Goa.

N. B. SUBHEDAR
Secretary to the

Dated: 14-8-2014. Legislative Assembly of Goa

LA/LEGN/2014/1193

The following bill which was introduced in the Legislative Assembly of the State of Goa on 19th August, 2014 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa School Education (Amendment) Bill, 2014

(Bill No. 24 of 2014)

A

BILL

further to amend the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985).

Be it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa School Education (Amendment) Act, 2014.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) (hereinafter referred to as the "principal Act"), after clause (k), the following clause shall be inserted, namely:—

"(kk) "Konkani" means Konkani language as defined in clause (c) of section 2 of the Goa, Daman and Diu Official Language Act, 1987 (Act 5 of 1987);".

3. *Insertion of new sections 7A to 7E.*— After section 7 of the principal Act, the

following new sections shall be inserted, namely:—

“7A. Entitlement for recognition.— (1) No management of any school shall be entitled for recognition to any school as a matter of right.

(2) The appropriate authority may, subject to the provisions of section 5 of this Act as well as subject to the following conditions, consider granting recognition:

(a) In the case of primary and secondary schools, except those which have Konkani/Marathi as a medium of instruction, shall be required to teach Konkani/Marathi as one of the subject from standard I to standard X.

(b) All schools shall have English as compulsory subject from standard I to standard X where the medium of instruction is Konkani/Marathi or any other language specified in the Eighth Schedule of the Constitution of India.

(3) The Director shall regulate compliance with clauses (a) and (b) of sub-section (2), in a progressive manner, annually.

7B. Entitlement of grants.— (1) No Management of any school shall be entitled to grants as a matter of right unless and until it complies with the provisions of this Act and the rules framed thereunder.

(2) The Government may, having regard to the need in the locality, or in the interest of school education, or the scheme of management, provide financial assistance for teaching in Konkani/Marathi as a medium of instruction in any recognized primary school.

(3) The Government shall endeavour to promote teaching Konkani/Marathi in all schools in the State of Goa and may for such purposes frame a separate or a special pattern of assistance providing financial assistance for teaching Konkani/Marathi subject.

(4) Those schools, which have opted for Konkani/Marathi or any other language specified in the Eighth Schedule of the Constitution of India as its medium of

instruction, shall be required to teach English as one of the subject, and the Government may frame special pattern of assistance for the purpose of improvement and encouraging English subject at primary level.

(5) No grants or aid in any form whatsoever shall be given or extended to any primary school within the State of Goa unless it has Konkani/Marathi or any of the languages envisaged in the Eighth Schedule to the Constitution of India, as its medium of instruction imparting education:

Provided that the State Government may consider providing grants to minority schools having English as a medium of instruction and imparting education at the primary level subject to compliance with other provisions of this Act.

(6) Whenever any school including a minority school, has English as medium of instruction, then, in such cases, the Directorate of Education shall either through itself or through any agency earmarked for the purpose, provide bi-lingual text books either in Konkani/Marathi for the purpose of facilitating the teaching at the primary level.

(7) Such minority schools which have English as medium of instruction shall be required to teach Konkani/Marathi in the primary section for all the classes from standard I to standard IV as one of the subject.

7C. Opening of new primary school.— The Director shall not permit opening of any new primary school until mapping of school is carried out and need for such additional schools are categorically identified:

Provided however that the Government may for the reasons to be recorded in writing having regard to the need of a locality or as the circumstances may justify or for the purposes of weaker/backward sections of the society permit opening of schools at the primary level.

7D. Framing of Scheme.— The Government may, in its discretion, frame any scheme for promotion of teaching Konkani/Marathi in the schools as per the pattern of assistance notified.

7E. *Power of Government.*— (1) Notwithstanding anything contained in any provision of this Act or the rules framed thereunder, the Government may, for reasons to be recorded in writing, in the interest of school education, or where, in the opinion of the Government, the Management of the school or any member of the managing committee running the affairs of the school is found to have criminal background or is involved in any criminal case having moral turpitude or is in any way charged for misappropriation of school grants or other school funds or have otherwise been charge sheeted in any criminal matter, either stop/reduce/withhold/forbid or even withdraw any aid given in any pattern of assistance framed by the Government or under the provisions of this Act or the rules framed thereunder, or may instead of withholding/withdrawing or stopping, having regard to interest of the students and the school education, make over the salary grant through a specially appointed Drawing and Disbursing Officer without in any way routing the grants to the Management.

(2) In every case covered under sub-section (1), the Government shall also have the power to take over the management of such school and appoint an Administrator or a Body or a Committee of Administrators to run the said school until such time the Government is of the opinion that the school may be handed over back to the management."

4. *Insertion of new section 31.*— After section 30 of the principal Act, the following new section shall be inserted, namely:—

"31. *Power to remove difficulties in respect of Goa School Education (Amendment) Act, 2014.*— If any difficulty arises in giving effect to the provisions of the Goa School Education (Amendment) Act, 2014, the Government may by order not inconsistent with the provisions of the said Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of the Goa School Education (Amendment) Act, 2014."

Statement of Objects and Reasons

The Bill seeks to amend the Goa, Daman and Diu School Education Act, 1984 (Act No. 15 of 1985) for the purpose of granting recognition and financial assistance to the primary schools and for the matters connected therewith.

This bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this bill.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to frame schemes to carry out the purposes of the Act.

Clause 4 of the Bill empowers the Government to issue orders for removal of difficulty which may arise in giving effect to the provisions of the Goa School Education Act, 2014.

This delegation is of normal character.

Porvorim, Goa. MANOHAR PARRIKAR
18th August, 2014. Chief Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
18th August, 2014. Legislative Assembly of Goa

ANNEXURE

Extract of the Goa, Daman and Diu School Education Act, 1984 (Act No. 15 of 1985)

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(b) "Advisory Board" means as constituted under section 24 of this Act;

(c) "aid" means any aid granted to a recognized school by the Administrator, or any other authority designated by the Administrator.

(d) "aided school" means a recognized private school which is receiving aid from the Administrator or any other authority designated by the Administrator.

(e) "appropriate authority" means the Administrator or any other officer authorized by him in this behalf;

(f) "Director" means the Director of Education, Government of Goa, Daman and Diu, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;

(g) "employee" means a teacher and includes every other employee working in a recognised school;

(h) "existing employee" means an employee of an existing school who is employed in such a school immediately before the commencement of this Act;

(i) "existing school" means a recognised school which is in existence at the commencement of this Act;

(j) "Government" means the Government of Goa, Daman and Diu;

(k) "Head of school" means the principal academic officer, by whatever, name called, of a recognised school.

7. *Aid to recognised schools.*— (1) Any authority specified in clause (c) of section 2 may grant, out of the funds made available to it for the purpose, after due appropriation made by law as aid to recognised schools such sums of money as it may consider necessary:

Provided that no existing school receiving aid, immediately before the commencement of this Act, shall be eligible for continuance of such aid unless it complies with, within such period as may be specified by the aforesaid authority, the conditions specified in the proviso to sub-section (1) of section 5 and the rules made under this Act relating to the grant or continuance of such aid.

(2) The authority competent to grant the aid may stop, reduce, or suspend aid for violation of any of the provisions of this Act or the rules made thereunder:

Provided that no such aid shall be stopped, reduced or suspended unless on a reasonable opportunity of showing cause against such stoppage, reduction or suspension has been given to the management.

(3) The aid may cover such part of the expenditure of the schools as may be prescribed.

(4) No payment, out of the aid given for salary, allowance and provident fund of employees of the school, shall be made for any other purpose.

(5) No unrecognised school shall be eligible to receive any aid or any benefit made available to recognised schools by the authority specified in clause (c) of section 2.

Assembly Hall,
Porvorim, Goa.

N. B. SUBHEDAR
Secretary to the
18th August, 2014. Legislative Assembly of Goa



Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2013-LA-(Part)/154

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act No. 30 of 2013), which has been passed by Parliament and assented to by the President on 26-9-2013 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 27-9-2013, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 6th June, 2014.

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

Arrangement of Sections

CHAPTER I

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Sections

1. Short title, extent and commencement.
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3. Definitions.

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4. Preparation of Social Impact Assessment study.
5. Public hearing for Social Impact Assessment.
6. Publication of Social Impact Assessment study.

B.— APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

7. Appraisal of Social Impact Assessment report by an Expert Group.
8. Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.
9. Exemption from Social Impact Assessment.

CHAPTER III**Special provision to safeguard food security**

10. Special provision to safeguard food security.

CHAPTER IV**Notification and acquisition**

11. Publication of preliminary notification and power of officers thereupon.
12. Preliminary survey of land and power of officers to carry out survey.
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14. Lapse of Social Impact Assessment report.
15. Hearing of objections.
16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator.
17. Review of the Rehabilitation and Resettlement Scheme.
18. Approved Rehabilitation and Resettlement Scheme to be made public.
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24. Land acquisition process under Land Acquisition Act, 1894 shall be deemed to have lapsed in certain cases.
25. Period within which an award shall be made.

Sections

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27. Determination of amount of compensation.
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32. Provision of infrastructural amenities in resettlement area.
33. Corrections to awards by Collector.
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35. Power to summon and enforce attendance of witnesses and production of documents.
36. Power to call for records, etc.
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38. Power to take possession of land to be acquired.
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40. Special powers in case of urgency to acquire land in certain cases.
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43. Appointment of Administrator.
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45. Rehabilitation and resettlement committee at project level.
46. Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.
47. Quantification and deposit of rehabilitation and resettlement amount.

CHAPTER VII**National Monitoring Committee for rehabilitation and resettlement**

48. Establishment of National Monitoring Committee for rehabilitation and resettlement.
49. Reporting requirements.
50. Establishment of State Monitoring Committee for rehabilitation and resettlement.

Sections**CHAPTER VIII****Establishment of Land Acquisition, Rehabilitation and Resettlement Authority**

51. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.
52. Composition of Authority.
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54. Terms of office of Presiding Officer.
55. Staff of Authority.
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57. Filling up of vacancies.
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59. Orders constituting Authority to be final and not to invalidate its proceedings.
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61. Proceedings before Authority to be judicial proceedings.
62. Members and officers of Authority to be public servants.
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86. Offences by companies.
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97. Acceptance of certified copy as evidence.
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99. No change of purpose to be allowed.
100. No change of ownership without permission to be allowed.
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104. Option of appropriate Government to lease.
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106. Power to amend Schedule.
107. Power of State Legislatures to enact any law more beneficial to affected families.

Sections

108. Option to affected families to avail better compensation and rehabilitation and resettlement.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE RIGHT TO FAIR COMPENSATION
AND TRANSPARENCY IN LAND
ACQUISITION, REHABILITATION AND
RESETTLEMENT ACT, 2013

AN

ACT

to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to

an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—

(1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within three months from the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 receives the assent of the President.

2. *Application of Act.*— (1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or

(b) for infrastructure projects, which includes the following, namely:—

(i) all activities or items listed in the notification of the Government of India

in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;

(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers, co-operative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government aided educational and research schemes or institutions;

(vi) project for sports, health care, tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker Sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1):

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3,

shall be obtained through a process as may be prescribed by the appropriate Government:

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

Provided also that no land shall be transferred by way of acquisition, in the

Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.

(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—

(a) A private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 46;

(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole.

3. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Administrator” means an officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section (1) of section 43;

(b) “affected area” means such area as may be notified by the appropriate Government for the purposes of land acquisition;

(c) “affected family” includes—

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such

family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land; 2 of 2007.

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;

(d) “agricultural land” means land used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, trees, grass or garden produce; and

(iv) land used for the grazing of cattle;

(e) “appropriate Government” means,—

(i) in relation to acquisition of land situated within the territory of, a State, the State Government;

(ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;

(iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry;

(iv) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and

(v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government;

Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;

(f) “Authority” means the Land Acquisition and Rehabilitation and Resettlement Authority established under section 51;

(g) “Collector” means the Collector of a revenue district, and includes a Deputy Commissioner and any officer specially designated by the appropriate Government to perform the functions of a Collector under this Act;

(h) “Commissioner” means the Commissioner for Rehabilitation and

Resettlement appointed under sub-section (1) of section 44;

(i) “cost of acquisition” includes—

(i) amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of land and building for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at the resettlement areas;

(v) cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act;

(vi) administrative cost,—

(A) for acquisition of land, including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate Government;

(B) for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;

(vii) cost of undertaking ‘Social Impact Assessment study’;

(j) “company” means—

(i) a company as defined in section 3 of the Companies Act, 1956, other than a 1 of 1956. Government company;

(ii) a society registered under the Societies Registration Act, 1860 or 21 of 1860. under any corresponding law for the time being in force in a State;

(k) "displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

(l) "entitled to act", in relation to a person, shall be deemed to include the following persons, namely:—

(i) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(ii) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted:

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 shall, *mutatis* 5 of 1908. *mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act;

(m) "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him:

Provided that widows, divorcees and women deserted by families shall be considered separate families;

Explanation.— An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act.

(n) "holding of land" means the total land held by a person as an owner, occupant or tenant or otherwise;

(o) "infrastructure project" shall include any one or more of the items specified in clause (b) of sub-section (1) of section 2;

(p) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(q) "landless" means such persons or class of persons who may be,—

(i) considered or specified as such under any State law for the time being in force; or

(ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate Government;

(r) "land owner" includes any person,—

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or

(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other 2 of 2007. law for the time being in force; or

(iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or

(iv) any person who has been declared as such by an order of the court or Authority;

(s) “local authority” includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P, of the Constitution;

(t) “marginal farmer” means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;

(u) “market value” means the value of land determined in accordance with section 26;

(v) “notification” means a notification published in the Gazette of India or, as the case may be, the Gazette of a State and the expression “notify” shall be construed accordingly;

(w) “patta” shall have the same meaning as assigned to it in the relevant Central or State Acts or rules or regulations made thereunder;

(x) “person interested” means—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; 2 of 2007.

(iii) a person interested in an easement affecting the land;

(iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and

(v) any person whose primary source of livelihood is likely to be adversely affected;

(y) “prescribed” means prescribed by rules made under this Act;

(z) “project” means a project for which land is being acquired, irrespective of the number of persons affected;

(za) “public purpose” means the activities specified under sub-section (1) of section 2;

(zb) “Requiring Body” means a company, a body corporate, an institution, or any other organisation or person for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(zc) “Resettlement Area” means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government;

(zd) “Scheduled Areas” means the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; 40 of 1996.

(ze) “small farmer” means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

Determination of social impact and public purpose

A — PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

4. *Preparation of Social Impact Assessment study.*— (1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study:

Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

(a) assessment as to whether the proposed acquisition serves public purpose;

(b) estimation of affected families and the number of families among them likely to be displaced;

(c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;

(d) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;

(e) whether land acquisition at an alternate place has been considered and found not feasible;

(f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits of the project:

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social

Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.

5. *Public hearing for Social Impact Assessment.*— Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.

6. *Publication of Social Impact Assessment study.*— (1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment:

Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act

relating to Social Impact Assessment shall not apply.

B.— APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

7. *Appraisal of Social Impact Assessment report by an Expert Group.*— (1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

(a) two non-official social scientists;

(b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;

(c) two experts on rehabilitation; and

(d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project does not serve any public purpose; or

(b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing

by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project will serve any public purpose; and

(b) the potential benefits outweigh the social costs and adverse social impacts,

it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.

(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.

8. *Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.*— (1) The appropriate Government shall ensure that—

(a) there is a legitimate and *bona fide* public purpose for the proposed acquisition which necessitates the acquisition of the land identified;

(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;

(c) only the minimum area of land required for the project is proposed to be acquired;

(d) there is no unutilised land which has been previously acquired in the area;

(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.

(2) The appropriate Government shall examine the report of the Collector if any and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that where land is sought to be acquired for the purposes as specified in sub-section (2) of section 2, the appropriate Government shall also ascertain as to whether the prior consent of the affected families as required under the proviso to sub-section (2) of section 2, has been obtained in the manner as may be prescribed.

9. *Exemption from Social Impact Assessment.*— Where land is proposed to be

acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.

CHAPTER III

Special provision to safeguard food security

10. *Special provision to safeguard food security.*— (1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.

(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.

(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.

CHAPTER IV

Notification and acquisition

11. *Publication of preliminary notification and power of officers thereupon.*— (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the

Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months.

12. Preliminary survey of land and power of officers to carry out survey.— For the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

(a) to enter upon and survey and take levels of any land in such locality;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;

(d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and

(e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner:

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey:

Provided also that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

13. Payment for damage.— The officer so authorised under section 12 shall at the time of entry under section 12 pay or tender payment for any damage caused, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

14. Lapse of Social Impact Assessment report.— Where a preliminary notification under section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group under section 7, then, such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11:

Provided that the appropriate Government, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

15. *Hearing of objections.*— (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report, giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.

16. *Preparation of Rehabilitation and Resettlement Scheme by the Administrator.*—

(1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—

(a) particulars of lands and immovable properties being acquired of each affected family;

(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;

(e) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and

(e) details of any common property resources being acquired.

(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—

(i) a list of Government buildings to be provided in the Resettlement Area;

(ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme;

(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:

Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:

Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

40 of 1996.

(6) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.

17. Review of the Rehabilitation and Resettlement Scheme.— (1) The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45;

(2) The Collector shall submit the draft Rehabilitation and Resettlement Scheme with

his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

18. Approved Rehabilitation and Resettlement Scheme to be made public.— The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

19. Publication of declaration and summary of Rehabilitation and Resettlement.— (1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:

Provided further that no declaration under this sub-section shall be made unless the

Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:

Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.

(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

20. *Land to be marked out, measured and planned including marking of specific areas.*— The Collector shall thereupon cause the land, unless it has been already marked out under section 12, to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

21. *Notice to persons interested.*— (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government

intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

(2) The public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.

(5) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.

22. Power to require and enforce the making of statements as to names and interests.—

(1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being less than thirty days after the date of the requisition), a statement containing, so far as

may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

45 of 1860.

23. Enquiry and land acquisition award by Collector.— On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of—

(a) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.— (1) Notwithstanding anything contained in this Act, in any case of land

acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

25. *Period within which an award shall be made.*— The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

26. *Determination of market value of land by Collector.*— (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

(a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1.— The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.— For determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.— While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.— While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 by the 2 of 1899. appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the

lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent. of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. Determination of amount of compensation.— The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

28. Parameters to be considered by Collector in determination of award.— In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—

firstly, the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules;

secondly, the damage sustained by the person interested, by reason of the taking

of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land; and

seventhly, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

29. *Determination of value of things attached to land or building.*— (1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. *Award of solatium.*— (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent. of the compensation amount.

Explanation.— For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

CHAPTER V

Rehabilitation and Resettlement Award

31. *Rehabilitation and Resettlement Award for affected families by Collector.*— (1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—

(a) rehabilitation and resettlement amount payable to the family;

(b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;

(c) particulars of house site and house to be allotted, in case of displaced families;

(d) particulars of land allotted to the displaced families;

(e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;

(f) particulars of payment for cattle shed and petty shops;

(g) particulars of one-time amount to artisans and small traders;

(h) details of mandatory employment to be provided to the members of the affected families;

(i) particulars of any fishing rights that may be involved;

(j) particulars of annuity and other entitlements to be provided;

(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

32. *Provision of infrastructural amenities in resettlement area.*— In every resettlement

area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule.

33. *Corrections to awards by Collector.*—

(1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.

34. *Adjournment of enquiry.*— The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

35. *Power to summon and enforce attendance of witnesses and production of documents.*— For the purpose of enquiries under this Act, the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as

may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908. 5 of 1908.

36. *Power to call for records, etc.*— The appropriate Government may at any time before the award is made by the Collector under section 30 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

37. *Awards of Collector when to be final.*— (1) The awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.

38. *Power to take possession of land to be acquired.*— (1) The Collector shall take

possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30:

Provided that the components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award:

Provided further that in case of acquisition of land for irrigation or hydel project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired.

(2) The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

39. *Additional compensation in case of multiple displacements.*— The Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

40. *Special powers in case of urgency to acquire land in certain cases.*— (1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of eighty per cent. of the compensation for such land as estimated by him to the person interested entitled thereto.

(4) In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11.

(5) An additional compensation of seventy-five per cent. of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.

41. Special provisions for Scheduled Castes and Scheduled Tribes.— (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the

compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. *Reservation and other benefits.*— (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, than, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified ^{2 of 2007.} in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

CHAPTER VI

Procedure and manner of rehabilitation and resettlement

43. *Appointment of Administrator.*— (1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement.

(2) The Administrator shall, with a view to enable him to function efficiently and to meet the special time-frame, be provided with such powers, duties and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees

who shall be subordinate to him as the appropriate Government may decide.

(3) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

44. *Commissioner for rehabilitation and resettlement.*— (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.

45. *Rehabilitation and resettlement committee at project level.*— (1) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.

(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:—

(a) a representative of women residing in the affected area;

(b) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;

(c) a representative of a voluntary organisation working in the area;

(d) a representative of a nationalised bank;

(e) the Land Acquisition Officer of the project;

(f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees;

(g) the Chairperson of the District Planning Committee or his nominee;

(h) the Member of Parliament and Member of the Legislative Assembly of the concerned area or their nominees;

(i) a representative of the Requiring Body; and

(j) Administrator for Rehabilitation and Resettlement as the Member-Convener.

(3) The procedure regulating the discharge of the process given in this section and other matters connected thereto of the Rehabilitation and Resettlement Committee shall be such as may be prescribed by the appropriate Government.

46. *Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.*— (1) Where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the appropriate Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Act is required, he shall file an application with the District Collector notifying him of—

(a) intent to purchase;

(b) purpose for which such purchase is being made;

(c) particulars of lands to be purchased.

(2) It shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement.

(3) Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner as per the provisions of this Act, the Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements as per the provisions of this Act.

(4) No land use change shall be permitted if rehabilitation and resettlement is not complied with in full.

(5) Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void *ab initio*:

Provided that the appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose.

(6) If any land has been purchased through private negotiations by a person on or after the 5th day of September, 2011, which is more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty per cent. of the compensation paid for such land acquired shall be shared with the original land owners.

Explanation.— For the purpose of this section, the expressions—

(a) “original land owner” refers to the owner of the land as on the 5th day of September, 2011;

(b) “specified persons” includes any person other than—

(i) appropriate Government;

(ii) Government company;

(iii) association of persons or trust or society as registered under the Societies Registration Act, 1860, wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

47. *Quantification and deposit of rehabilitation and resettlement amount.*— Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by the Administrator appointed under section 43, under the supervision of the Collector.

CHAPTER VII

National Monitoring Committee for rehabilitation and resettlement

48. *Establishment of National Monitoring Committee for rehabilitation and resettlement.*— (1) The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

49. *Reporting requirements.*— The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

50. *Establishment of State Monitoring Committee for rehabilitation and resettlement.*— (1) The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

(2) The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

(4) The State Government shall provide such officers and other employees to the Committee as may be necessary for its efficient functioning.

CHAPTER VIII

Establishment of Land Acquisition, Rehabilitation and Resettlement Authority

51. *Establishment of Land Acquisition Rehabilitation and Resettlement Authority.*—

(1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as “the Land Acquisition, Rehabilitation and Resettlement Authority” to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to sub-section (1) of section 64.

52. *Composition of Authority.*— (1) The Authority shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification, by the appropriate Government.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may authorise the Presiding Officer of one Authority to discharge also the functions of the Presiding Officer of another Authority.

53. *Qualifications for appointment as Presiding Officer.*— (1) A person shall not be qualified for appointment as the Presiding Officer of an Authority unless,—

(a) he is or has been a District Judge; or

(b) he is a qualified legal practitioner for not less than seven years.

(2) A Presiding Officer shall be appointed by the appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established.

54. *Terms of office of Presiding Officer.*— The Presiding Officer of an Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

55. *Staff of Authority.*— (1) The appropriate Government shall provide the Authority with a Registrar and such other officers and employees as that Government may think fit.

(2) The Registrar and other officers and employees of an Authority shall discharge

their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority shall be such as may be prescribed.

56. *Salary and allowances and other terms and conditions of service of Presiding Officers.*— The salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Presiding Officer of an Authority, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the said Presiding Officers shall be varied to their disadvantage after appointment.

57. *Filling up of vacancies.*— If, for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of an Authority then the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Authority from the stage at which the vacancy is filled.

58. *Resignation and removal.*— (1) The Presiding Officer of an Authority may, by notice in writing under his hand addressed to the appropriate Government, resign his office:

Provided that the Presiding Officer shall, unless he is permitted by the appropriate Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of an Authority shall not be removed from his office except

by an order made by the appropriate Government on the ground of proven misbehaviour or incapacity after inquiry in the case of the Presiding Officer of an Authority made by a Judge of a High Court in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The appropriate Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

59. *Orders constituting Authority to be final and not to invalidate its proceedings.*— No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no act or proceeding before an Authority shall be called in question in any manner on the ground merely of any defect in the constitution of an Authority.

60. *Powers of Authority and procedure before it.*— (1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of 5 of 1908. the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 ^{5 of 1908.} but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

61. *Proceedings before Authority to be judicial proceedings.*— All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973. ^{45 of 1860.} ^{2 of 1974.}

62. *Members and officers of Authority to be public servants.*— The Member and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. ^{45 of 1860.}

63. *Jurisdiction of civil courts barred.*— No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter

64. *Reference to Authority.*— (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from

the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

65. *Collector's statement to Authority.*— (1) In making the reference, the Collector shall state for the information of the Authority, in writing under his hand—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under section 13, and the amount of compensation awarded under the provisions of this Act;

(d) the amount paid or deposited under any other provisions of this Act; and

(e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) The statement under sub-section (1) shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the persons interested respectively.

66. *Service of notice by Authority.*— The Authority shall thereupon cause a notice specifying the day on which the Authority will proceed to determine the objection, and directing their appearance before the Authority on that day, to be served on the following persons, namely:—

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive

payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

67. *Restriction on scope of proceedings.*— The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

68. *Proceedings to be in public.*— Every such proceeding shall take place in public, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

69. *Determination of award by Authority.*— (1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.— In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one

hundred per cent. over the total compensation amount.

70. *Form of award.*— (1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908. 5 of 1908.

71. *Costs.*— (1) Every such award shall also state the amount of costs incurred in the proceeding under this Chapter, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority concerned is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

72. *Collector may be directed to pay interest on excess compensation.*— If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. per annum from the date on which he took possession of the land to the date of payment of such excess into Authority:

Provided that the award of the Authority concerned may also direct that where such

excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

73. *Re-determination of amount of compensation on the basis of the award of the Authority.*— (1) Where in an award under this Chapter, the Authority concerned allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 23, the persons interested in all the other land covered by the same preliminary notification under section 11, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority concerned.

74. *Appeal to High Court.*— (1) The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

Explanation.— For the purposes of this section, "High Court" means the High Court within the jurisdiction of which the land acquired or proposed to be acquired is situated.

CHAPTER IX

Apportionment of compensation

75. *Particulars of apportionment to be specified.*— When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

76. *Dispute as to apportionment.*— When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.

CHAPTER X

Payment

77. *Payment of compensation or deposit of same in Authority.*— (1) On making an award under section 30, the Collector shall tender

payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

78. *Investment of money deposited in respect of lands belonging to person incompetent to alienate.*— (1) If any money is deposited in the Authority concerned under sub-section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall—

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held; or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Authority concerned shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Authority concerned shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the Authority concerned of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

79. *Investment of money deposited in other cases.*— When any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested

therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

80. *Payment of interest.*— When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent. per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

CHAPTER XI

Temporary occupation of land

81. *Temporary occupation of waste or arable land, procedure when difference as to compensation exists.*— (1) Whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Authority.

82. *Power to enter and take possession and compensation on restoration.*— (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

83. *Difference as to condition of land.*— In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority concerned.

CHAPTER XII

Offences and Penalties

84. *Punishment for false information, mala fide action, etc.*— (1) If a person, in connection with a requirement or direction under this Act, provides any information that is false or misleading, or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed.

(3) Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

85. *Penalty for contravention of provisions of Act.*— If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to a punishment of six months which may extend to three years or with fine or with both.

86. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director,

manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals and a Requiring Body; and

(b) “director”, in relation to a firm, means a partner in the firm.

87. *Offences by Government departments.*— (1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

88. *Cognizance of offences by court.*— No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

89. *Offences to be non-cognizable.*— Notwithstanding

anything contained in the Code of Criminal Procedure, 1973 every offence under this Act shall be deemed to be non-cognizable

90. *Offences to be cognizable only on complaint filed by certain persons.*— No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member of the affected family.

CHAPTER XIII

Miscellaneous

91. *Magistrate to enforce surrender.*— If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

92. *Service of notice.*— (1) Save as otherwise provided in section 66, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by the officer therein mentioned, and, in the case of any other notice, by order of the Collector.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in

the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspapers and also on his website.

93. *Completion of acquisition not compulsory, but compensation to be awarded when not completed.*— (1) The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

94. *Acquisition of part of house or building.*— (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be

taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case of any acquisition of land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

95. *Acquisition of land at cost of a local authority or Requiring Body.*— (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Requiring Body, the charges of land incidental to such acquisition shall be defrayed from or by such fund or Requiring Body.

(2) In any proceeding held before a Collector or Authority concerned in such cases the local authority or Requiring Body concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.

96. *Exemption from income-tax, stamp duty and fees.*— No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or

agreement shall be liable to pay any fee for a copy of the same.

97. *Acceptance of certified copy as evidence.*— In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908, including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

98. *Notice in case of suits for anything done in pursuance of Act.*— No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amendments.

99. *No. change of purpose to be allowed.*— No change from the purpose or related purposes for which the land is originally sought to be acquired shall be allowed:

Provided that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any unforeseen circumstances, then the appropriate Government may use such land for any other public purpose.

100. *No change of ownership without permission to be allowed.*— No change of ownership without specific permission from the appropriate Government shall be allowed.

101. *Return of unutilised land.*— When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Explanation.— For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

102. *Difference in price of land when transferred for higher consideration to be shared.*— Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent. of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition:

Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

103. *Provisions to be in addition to existing laws.*— The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

104. *Option of appropriate Government to lease.*— Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.

105. *Provisions of this Act not to apply in certain cases or to apply with certain modifications.*— (1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of

commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

106. *Power to amend Schedule.*— (1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the

notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

107. *Power of State Legislatures to enact any law more beneficial to affected families.*— Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

108. *Option to affected families to avail better compensation and rehabilitation and resettlement.*— (1) Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

109. *Power of appropriate Government to make rules.*— (1) Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may provide for all or any of the following matters, namely:—

(a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;

(b) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;

(c) the manner and the time limit for carrying out social impact assessment study under sub-section (1) of section 4;

(d) the manner of preparing and publishing social impact assessment study reports under sub-section (1) of section 6;

(e) the manner and time for conducting survey and undertaking census under sub-section (1) of section 16;

(f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (2) of section 16;

(g) the manner of conducting public hearing under sub-section (5) of section 16;

(h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;

(i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;

(j) the form in which the Development Plan shall be prepared under sub-section (4) of section 41;

(k) the powers, duties and responsibilities of Administrator under sub-section (2) of section 43;

(l) the procedure of Rehabilitation and Resettlement Committee under sub-section (3) of section 45;

(m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;

(n) the procedures to be followed by the State Monitoring Committee and the

allowances payable to the experts under sub-section (3) of section 50;

(o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;

(p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;

(q) any other matter under clause (g) of sub-section (1) of section 60;

(r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;

(s) the manner of returning the unutilised land by reversion under section 101;

(t) manner of publication wherever the provisions of this Act provide for;

(u) any other matter which is required to be or may be specified under this Act.

110. *Rules made by Central Government to be laid before Parliament.*— Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be

without prejudice to the validity of anything previously done under that rule.

111. *Rules made by State Government to be laid before State Legislature.*— Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

112. *Previous publication of rules made by Central and State Government.*— The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules, being made after previous publication.

113. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the

provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

114. *Repeal and saving.*— (1) The Land Acquisition Act, 1894 is hereby repealed.

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeals.

THE FIRST SCHEDULE

[See section 30 (2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatium	Equivalent to one hundred per cent. of the market value of land mentioned against serial	

(1)	(2)	(3)	(4)
		number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6. Final award in rural areas		Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7. Final award in urban areas		Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8. Other component, if any, to be included			

Note:— The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

THE SECOND SCHEDULE

[See sections 31 (1), 38 (1) and 105 (3)]

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)
1. Provision of housing units in case of displacement		(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.	

(1)	(2)	(3)	(4)
		<p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p> <p><i>Explanation.</i>— The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</p>	
2. Land for Land		<p>In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p>	

(1)	(2)	(3)	(4)
		<p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.</p>	
3. Offer for Developed Land		<p>In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:</p> <p>Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>	
4. Choice of Annuity or Employment		<p>The appropriate Government shall ensure that the affected families are provided with the following options:—</p> <p>(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) one time payment of five lakhs rupees per affected family; or</p> <p>(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>	

(1)	(2)	(3)	(4)
5.	Subsistence grant for displaced families for a period of one year	Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.	<p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>
6.	Transportation cost for displaced families	Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.	
7.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8.	one-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification,	

(1)	(2)	(3)	(4)
		specify subject to a minimum of twenty-five thousand rupees.	
9. Fishing rights		In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10. One-time Resettlement Allowance		Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.	
11. Stamp duty and registration fee		(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted to the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of wife and husband of the affected family.	

THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.	

(1)	(2)	(3)
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	
8.	Village level Post Offices, as appropriate, with facilities for opening saving accounts.	
9.	Appropriate seed-cum-fertilizer storage facility if needed.	
10.	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.	
11.	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.	
12.	Burial or cremation ground, depending on the caste-communities at the site and their practices.	
13.	Facilities for sanitation, including individual toilet points.	
14.	Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.	
15.	Anganwadi's providing child and mother supplemental nutritional services.	
16.	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009).	
17.	Sub-health centre within two kilometres range.	
18.	Primary Health Centre as prescribed by the Government of India.	
19.	Playground for children.	
20.	One community centre for every hundred families.	
21.	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.	
22.	Separate land must be earmarked for traditional tribal institutions.	
23.	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue	

(1)	(2)	(3)
	their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	
24.	Appropriate security arrangements must be provided for the settlement, if needed.	
25.	Veterinary service centre as per norms.	

Note.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer of land under column (3).

THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
2. The Atomic Energy Act, 1962 (33 of 1962).
3. The Damodar Valley Corporation Act, 1948 (14 of 1948).
4. The Indian Tramways Act, 1886 (11 of 1886).
5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
7. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
11. The Electricity Act, 2003 (36 of 2003).
12. The Railways Act, 1989 (24 of 1989).

Department of Science, Technology & Environment

Notification

3-154-2008/STE-DIR/795

In exercise of the powers conferred by sub-rule 3 of Rule 8 of the Bio-Medical Waste (Management and Handling) Rules, 1998, the Government of Goa prescribes the following fees to be accompanied with every application in Form I for grant of authorization by the Goa State Pollution Control Board, namely:—

Sr. No.	Application for grant of Authorization to,—	Amount of Fees (in Rs.)
1	2	3
(1)	HOSPITAL AND NURSING HOME including Government Hospital/Private Hospitals/Charitable Hospitals/Private Nursing Home and Health Care Establishment	

1	2	3
	With minimum 1 but upto 5 beds	500/- per annum.
	With minimum 6 to but upto 25 beds	1,250/- per annum.
	With minimum 26 to but upto 50 beds	2,500/- per annum.
	With minimum 51 to but upto 200 beds	5,000/- per annum.
	With minimum 201 to but upto 500 beds	10,000/- per annum.
	With more than 500 beds	15,000/- per annum.
(2)	Health care Institution including clinic, dispensary, pathological laboratory, veterinary clinics and blood banks generating bio-medical waste and providing treatment/service	1,250/- per annum.
(3)	Veterinary college and hospital	5,000/- per annum.
(4)	Animal Research Institution	1,000/- per annum.
(5)	Animal Houses	
	(a) Dairy Farms (more than 100 cows)	2,000/- per annum.
	(b) Poultry Farms (more than 10,000 birds)	5,000/- per annum.
	(c) Poultry Hatchery (more than 10,000 birds)	1,000/- per annum.
	(d) Piggery (more than 200 pigs)	1,000/- per annum.
	(e) Goat/Sheep Farms (more than 300 goats and/or sheeps)	1,000/- per annum.
(6)	Medical Research Institution	1,000/- per annum.
(7)	Bio-medical waste transporter	2,000/- per annum.
(8)	Operator of common treatment/disposal facility of bio-chemical waste	5,000/- per annum.
(9)	Forensic laboratories	1,000/- per annum.
(10)	EVERY INSTITUTION AND OPERATOR CONNECTED WITH MANAGEMENT AND HANDLING OF BIO-MEDICAL WASTE	
	The operators having an incinerator with capacity up to 50 kgs. per hour	10,000/- per annum.
	Waste operators having an incinerator with capacity of more than 50 kgs. per hour	20,000/- per annum.
	Operators having facilities other than incinerator	1,000/- per annum.

By order and in the name of the Governor of Goa.

Srinet Kothwale, Director & ex officio Joint Secretary (ST&E).

Saligao, 14th August, 2014.

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Corrigendum

In the Official Gazette Series I No. 20, Extraordinary dated 20th August, 2014 under the Department of Law & Judiciary (Legal Affairs Division) on page No. 742, the name of the Law Secretary may be corrected to read as "R. K. SRIVASTAVA, Secretary to the Government of Goa, Law Department (Legal Affairs)" instead of "R. R. SRIVASTAVA, Secretary to the Law Department (Legal Affairs)".

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